



CODE OF PRACTICE APPLYING TO THE EMPLOYMENT OF PEOPLE WITH DISABILITIES IN TRINITY COLLEGE DUBLIN

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1. INTRODUCTION

Trinity College Dublin 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 College Dignity and Respect Policy.

This is a Code of Practice for College Departments, Schools and Services, staff and employment applicants, which outlines how the College's Equal Employment Policy should be interpreted regarding people with disabilities who are currently on the staff of the College, or who may be applying for posts in College.

Trinity College Dublin is committed to:

- Ensuring that people with disabilities will be facilitated to give effective performance in the posts that they hold, and will not be disadvantaged by reason of having a disability.
- Creating a supportive workplace environment which allows employees with disabilities to develop their full potential.
- Increasing the proportion of staff with disabilities to a minimum of 3% of total staff in compliance with statutory requirements.
- Actively encouraging applications from people with disabilities
- Removing such barriers that prevent full access and participation in the life of the College for people with disabilities.
- College recognizes 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 College, to remain within its employment.

2. RELEVANT LEGAL INFORMATION

The Employment Equality Acts 1998-2004 enshrine in law the right of people with disabilities to equal treatment in employment. Trinity College Dublin, as an employer, is committed to fully complying, not only with the letter of the legislation, but 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 applicable will be that contained in the Employment Equality Acts 1998-2004. There is other relevant legislation which may be applicable such as the Equal Status Acts 2000-2004, and in the Disability Act 2005. For full definitions please see the Appendix.

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 exists, 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).

Reasonable Accommodation

For the purpose of this document and all College policies relating to staff with disabilities, a reasonable accommodation might be any action that helps alleviate a substantial disadvantage. For a full definition please see the Appendix.

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.

College has approved centralized funding to be made available to departments for the provision of reasonable accommodations for staff with disabilities.

3. DISCLOSING A DISABILITY

College seeks to create an environment where employees may disclose their disability with confidence of 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 at any time.

All employees or future employees with a disability are encouraged to discuss their specific needs with their line manager so that the necessary measures and accommodations may be implemented to facilitate the employee in fulfilling their position. For advice and support in advance of disclosure to the manager employees may contact the Disability Service Co-ordinator.

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

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

A staff member may consult the Appendix 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 College 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 College policy in relation to the Equal Employment Opportunity and the Selection of Staff: Principles in Employment Practice

(http://www.tcd.ie/Staff_Office/policies/recruitment/equal_empop.pdf)

Trinity College Dublin commits to the following:

1. No unnecessary or irrelevant obstacle will be placed in the way of people with disabilities applying for posts in College. No candidate with a disability will be excluded from a competition by virtue of an inability to fulfill non-essential functions of the position. Candidates will be assessed on their ability to fulfill the essential functions of the position.
2. College will actively encourage applications from people with a disability, and may implement relevant targeted recruitment strategies.

3. Job descriptions, person specifications and advertisements will not include unnecessary requirements which could unfairly exclude applicants with a disability. All advertisements will explicitly state that Trinity College Dublin 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.
4. College 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 interview.
5. Nominating committees will be advised of this Code of Practice and the employment policy 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. All Human Resource interview representatives will receive training in relation to this Code of Practice and the agreed process for supporting applicants with a disability.

5. WORK ENVIRONMENT

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

College 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, College 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. REASONABLE ACCOMMODATION

College 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.

It is acknowledged that an employee may disclose their disability either at the recruitment stage or once in employment. Heads of School/Head of Administrative & Support Area should adopt a positive approach to disclosures of a disability and accommodation requests, from both new and current staff.

Heads of School/Head of Administrative & Support 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 their implementation within a reasonable time-frame. The Disability Service will facilitate the employee's needs assessment, which will include additional supports, environment accessibility and safety and egress considerations. College will require disability/medical evidence for the purpose of the needs assessment. Funding for reasonable accommodation will be provided from a central College fund.

Heads of School/Head of Administrative & Support Area will commit to reviewing on a regular basis the accommodations provided with the employee and the Disability Service.

For full details relating to reasonable accommodation procedures and requests please consult the Appendix.

7. STAFF DEVELOPMENT

Staff with disabilities should have the same opportunities as other staff to develop full and rewarding careers in College. College 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. Responsibility and accountability for this lies with the Staff Development Manager, Director of CAPSL, and the Equality Committee.

Trinity College Dublin commits to the following actions in relation to career development:

1. 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.
2. 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.

8. EVENTS

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

1. College 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.
2. 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.

9. RETENTION

College 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.

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

College 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/Head of Administrative & Support Area. 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, College will ensure that an equality and disability perspective is introduced into its general training programmes.

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

11. SAFETY AND EVACUATION PROCEDURES

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

College 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, College gives due consideration to the problems of egress from buildings faced by people with disabilities given that during an emergency evacuation, lifts will not operate and there will be heavy usage of evacuation routes.

In order to cater for those with disabilities (such as sight, hearing or mobility impairment), . Heads of School/Head of Administrative & Support Area 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.

The College Safety Officer will have special regard to the health and safety of College staff with disabilities.

12. MONITORING AND IMPLEMENTING THIS CODE

All College staff have a role in ensuring that the provisions of this Code are adhered to. Specific responsibility in this regard attaches to . Heads of School/Head of Administrative & Support Area, Supervisors, Group Leaders and Managers, Human Resources, the Disability Service, the Director of Buildings Office and Equality Officer.

The implementation of this Code will be monitored by the Equality Committee annually by way of an annual report and an action plan devised by the Disability Service in conjunction with other relevant stakeholders.

13. GRIEVANCES

Any member of staff who has a concern that this policy is not being appropriately implemented should raise this through the line management structure in accordance with the College 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 write to the Recruitment Manager.

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 in http://www.tcd.ie/disability/disability_act_2005/

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.

14. USEFUL CONTACTS

Disability Service

Declan Treanor, Co-ordinator.

The Disability Service Co-ordinator can be contacted as follows:

By Phone: (01) 896 3475

By Email: declan.treanor@tcd.ie

The Disability Service is located in Room 2054, beside the Lecky Library, in the Arts Building, Trinity College Dublin.

Human Resources

House 4, College

Tel 896 1678

www.hr@tcd.ie

Equality Officer

Karen Campos McCormack
West Theatre, Trinity College

equality@tcd.ie

www.tcd.ie/equality

Tel: 01 896 3282

Employee Assistance Programme

www.ppconline.info

Tel 1800 409407

College Health Centre

House 47

Tel 01 896 1556

15. LEGISLATION AND OTHER POLICIES

The following legislation is relevant to this policy:

Employment Equality Acts 1998-2004

Disability Act 2005

Equal Status Acts 2000-2004

Safety, Health and Welfare at Work Act 2005

Data Protection Acts 1988-2003

Freedom of Information Acts 1997-2003

Other relevant College Policies

Equal Opportunity Policy

Dignity and Respect Policy

Equal Employment Opportunity and the Selection of Staff: Principles in Employment Practice

Appendices

Appendix 1	Definitions
Appendix 2	Procedures for Reasonable Accommodation
Appendix 3	Supporting staff with disabilities in the workplace: Guidelines for managers and staff (this will be submitted to the Equality Committee at a later date).

1 Definitions

Employment Equality Acts 1998-2004

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.

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.

2 Procedures for Reasonable Accommodation

Medical and personal information will be treated confidentially.

EXISTING STAFF DISCLOSING A DISABILITY (both existing and new conditions)

A	A staff member discloses a disability in the course of employment
1 Disclosure	It is recommended that the staff member disclose their disability to their manager. If it is an acquired disability, or the staff member has been out sick, disclosure may occur via Occupational Health Clinic (OHC), the College insurers or the manager.
2 Initial meeting	Initial meeting with employee and manager to discuss the procedure for determining supports
3 Medical Evidence	The manager organises an occupational health assessment via Human Resources to attain the medical evidence required in order to carry out a needs assessment. A detailed job description is provided.
In the case of the employee being on sick-leave:	The occupational health doctor will determine when the employee is fit to return to work, and make any recommendations that may facilitate this return. In the event of a staff member not being deemed fit for their post other options such as re-training/applications for other posts/ College disability scheme where applicable, will be discussed with the staff member. This is the normal procedure for all staff on sick leave.
4 Disability Service - Needs assessment	Manager organises needs assessment for the employee with Disability Service. An assessment of the work environment accessibility and safety and egress considerations will be addressed as part of the individual's needs assessment.
5 Reasonable accommodation	The Disability Service will discuss recommended reasonable accommodation and supports with the employee and the manager to ensure a fit with departmental needs. A needs assessment report will be completed.
6 Accommodation request	The manager submits the report to the College Central Fund for reasonable accommodation costs, where relevant, and implements the same in a timely manner.
7 Review	Arrangements should be reviewed at least annually by the manager and the staff member.

NEWLY HIRED STAFF

<p>1 Disclosure</p>	<p>Applicants are encouraged to specify if any special arrangements are required when short-listed for interview to Human Resources representative.</p> <p>Applicants may disclose a disability during the interview process, on offer, during medical, or when appointed.</p> <p>Note: Applicants may be asked to fill out a voluntary anonymous equality monitoring form detailing their disability status - this information is not provided to Human Resources and is not relevant for the purposes of reasonable accommodation.</p>
<p>2 Pre-employment medical</p>	<p>Once the most suitable candidate has been selected, Recruitment organises a pre-employment medical/questionnaire asking the Doctor to determine if the candidate is fit for full duties. The Doctor may use the services of Occupational Health Clinic if required.</p> <p>This procedure is the same for all new appointments.</p> <p>If the applicant discloses through the questionnaire or to the Doctor, Recruitment is only to be informed if reasonable accommodation is required.</p>
<p>3 Disability Service-Needs assessment</p>	<p>Human Resources interviewer organises needs assessment for the employee with Disability Service.</p> <p>An assessment of the work environment accessibility and safety and egress considerations will be addressed as part of the individual's needs assessment.</p>
<p>4 Reasonable Accommodation</p>	<p>The Disability Service will discuss recommended reasonable accommodation and supports with the employee and the manager to ensure a fit with departmental needs. A needs assessment report will be completed.</p>
<p>5 Accommodation request</p>	<p>The manager submits the report to the College Central Fund for reasonable accommodation costs, where relevant, and implements the same in a timely manner.</p>
<p>6 Review</p>	<p>Arrangements should be reviewed at least annually by the manager and the staff member.</p>

Note:

Throughout the procedures 'manager' is used to refer to the employee's line manager - be it . Heads of School/Head of Administrative & Support Area, Supervisor etc.

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