

Reasonable Accommodation Policy & Procedure			
Prepared By: HR	Approved By: Head of HR	Version: 2	Effective Date: 18/08/2010
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Responsible Unit: Human Resources Unit			

Policy

It is the policy of the Health and Safety Authority (The Authority) to recognise and to actively support the implementation of a reasonable accommodation response for employment applicants, employees and customers with a disability.

Scope of Policy

This policy applies to all employment applicants, employees and customers of the Authority.

Definitions:

Our understanding of the term “Disability” is as defined in the Employment Equality Acts 1998 and 2004 and the Equal Status Acts 2000 to 2004, that 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 the 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 judgement or which results in disturbed behaviour (Equal Status Act, 2004, Part 1, 2 (1))

Statement of Commitment

The Health and Safety Authority is committed to the provision of an accessible workplace. The Authority is further committed to the provision of “reasonable accommodation” as a response to meet individual needs and, where practicable and appropriate, to enable full access and participation for all employment applicants, employees and customers with a disability. As part of this commitment, the Authority aims to ensure that people with disabilities have full access to employment, training, promotion and career development within the Authority.

The Authority is committed to:

- a) The provision, monitoring and development of reasonable accommodation in the manner in which our services are provided, taking steps to address needs specific to customers in order to enable them to avail of our services. This involves anticipation of

specific requirements and dialogue to identify individual needs and how to best respond.

- b) Endeavouring to ensure a physical environment that is welcoming to all, working to develop mutually beneficial professional relationships with organisations that represent and articulate the interests of people with a disability .
- c) Ensuring that people with disabilities will be facilitated to give effective performance in the posts that they hold.
- d) Proactively promoting employment at the Authority as a career choice to people with disabilities.
- e) Removing such barriers that prevent full access and participation in the Authority for people with disabilities, and ensuring that people will not be disadvantaged by reason of having a disability.
- f) Employing people with disabilities in jobs suited to their abilities, aptitudes, and qualifications, making any reasonable accommodation necessary.
- g) Maintaining at least the Government target of a minimum of 3% of the total employees being employees with disabilities.

Communication

Employees

All potential and existing employees will receive a copy of this policy and procedure, which are contained on the HSA Website and Intranet and will be made available in accordance with the provisions of the National Disability Authority Code of Practice on Accessibility of Public Services and Information provided by Public Bodies.

Customers

Our customers will be made aware of this policy and accompanying procedures in our customer charter, our complaints procedure and via HSA Website . Information will be made available in accordance with the National Disability Authority Code of Practice as mentioned above.

Legal Framework

In the operation of this policy and procedures the Authority is guided by the following legislation:

- a) The Employment Equality Acts (1998 and 2004) prohibit discrimination in all aspects of employment.
- b) The Equal Status Acts (2000 to 2004) prohibits discrimination in the provision of goods and services including educational services.
- c) The Disability Act (2005) requires Public Bodies to provide accessible buildings and services.

Both Equality Acts require the employer or service provider to provide “reasonable accommodation” within certain limitations. The Disability Act 2005 requires a Public Body to maximise access for people with disabilities to Public Sector services particularly in relation to buildings, information and services.

The term reasonable accommodation is taken throughout this policy to be that contained in the Employment Equality Acts 1998 and 2004 (for those who apply for employment and currently work with the Authority) and the Equal Status Acts 2000 to 2004 for our customers.

Section 16 of the Employment Equality Act 1998, as amended (nature and extent of employer's duties in certain cases) provides that:

- “3(a) For the purposes of this Act a person who has a disability is fully competent to undertake, and fully capable of undertaking, any duties if the person would be so fully competent and capable on reasonable accommodation (in this subsection referred to as “appropriate measures”) being provided by the person’s employer.
- (b) The employer shall take appropriate measures, where needed in a particular case, to enable a person who has a disability –
- (i) to have access to employment,
 - (ii) to participate or advance in employment, or
 - (iii) to undergo training.
- unless the measures would impose a disproportionate burden on the employer.
- (c) In determining whether the measures would impose such a burden account shall be taken, in particular, of -
- (i) the financial and other costs entailed,
 - (ii) the scale and financial resources of the employer’s business, and
 - (iii) the possibility of obtaining public funding or other assistance.”

In accordance with guidance from the Equality Authority appropriate measures are defined as effective and practical measures to adapt the employer’s place of business including: the adaption 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.

Limitation of Policy

Notwithstanding the fact that the Authority is committed to the provision of reasonable accommodation, there may be times when this is not possible. Every effort will be made to explore all avenues when a request for reasonable accommodation is made and a systematic and transparent process will be followed.

Integration into the Workplace

Safety, Health and Welfare at Work

People with disabilities are not necessarily less safe at work than any other employee. However, arrangements may on occasion be necessary to ensure that a person’s disability does not create any hazard either for the individual concerned or for others.

The Authority will make every effort to provide a safe working environment for all its employees. Where an employee's disability has an effect on his/her work practices, his/her supervisor will be informed. Where an employee has a disability their supervisor will be required to undertake a risk assessment (specialist assistance will be provided to supervisors if requested) of the original work procedure and where an employee develops a disability the

onus will be on them to inform their supervisor of disability and the supervisor will arrange for measures to be put in place to take account of disability.

The Working Environment

The following guidelines apply in relation to the integration of employees with disabilities into the workplace;

- a) The Authority will consult employees with disabilities on the reasonable accommodation of their needs and will take all steps to ensure that any reasonable accommodations required to perform specific job functions or meet specific requirements will be made
- b) The Authority will provide all reasonable accommodation to ensure that an employee with a disability is not at any substantial disadvantage compared with an employee who does not have a disability.

The Authority will ensure that, insofar as is practicable, the working environment is such as to minimise difficulties which employees with disabilities may encounter;

- a) All new buildings and alterations to existing buildings will be designed in accordance with current best practice. The Authority will meet, and where possible, exceed the requirements of all applicable legislation and regulations.
- b) The Authority will consult employees with disabilities about assistive devices, which might support their needs and enhance their efficiency and effectiveness in performing their duties, and will adopt a positive approach to reasonable requests for such equipment.
- c) Line managers / supervisors will be fully informed of an employee's circumstances relating to their work environment with regard to any reasonable accommodation required. Medical confidentiality will be maintained and respected at all times.
- d) The Human Resources Unit and the Line Manager will maintain reasonable contact with the new employees to facilitate his/her integration into the workforce .

Employees Who Acquire a Disability in The Course of Employment

Wherever possible the Authority will assist employees who acquire a disability during their employment, and, where reasonable changes can be made, will enable them to continue in their post or explore alternative employment within the Authority.

All Managers should deal sensitively and flexibly with those individuals who acquire a disability and appropriate training will be provided to a manager when sought. They should be aware of the problems that may be experienced by the employee. These can include not only loss of health, but also loss of status, financial loss or reduced self-esteem.

Options for Employees Who Acquire a Disability

There are a number of possible options when employees acquire a disability in the course of their employment.

These may include:

- a) Continuing in the same post
- b) Job Restructuring
- c) Flexible working conditions
- d) Redeployment
- e) Re-Training
- f) Re-Location

- g) Rehabilitation
- h) Early retirement on the grounds of incapacity
- i) Termination of employment on the grounds of incapacity.

It will be necessary to assess whether the person could continue in the same or in a similar post, what type of job might be suitable if continuing in the same post is not possible, and what assistance and support is necessary to enable the person to continue in the same job or to undertake a different job.

Initial Response

On receipt of a written request for a reasonable accommodation the line manager, (copied to the HR Officer) will arrange an appointment with the employee to meet and discuss the request. The HR Officer (HEO in HR with responsibility for Occupational Health Providers) will also be invited to the meeting. At this meeting Section 1 of Request for Reasonable Accommodation form will be completed and signed by the employee and the line manager. (see Request for Reasonable Accommodation form – appendix 1).

The nature of the need and reasonable accommodation required may be clear at the initial meeting. In this case the Line Manager / HR Officer will make a decision about whether the accommodation need will be met or not and will inform the employee of this.

Further Assessment / Exploration

In some cases the meeting between the Line manager / HR Officer and employee may result in the need to seek further expert advice and / or assessment, e.g. ergonomic or functional assessment or referral to Occupational Health Providers.

Requests for further advice and /or assessment will be made by the Line Manager/ HR Officer within one week of receiving the completed request form. Where additional advice and / or assessment are required the HR Officer / Line Manager will update the member of staff and update the file on a regular basis with regard to progress made on the matter.

In the event of a request not being met, the Line Manager will discuss the outcome with the employee.

The Decision Process

The Line Manager / HR Officer will record the decision (made either at the initial meeting or on further investigation/ assessment) on the appropriate form and the form will be signed and dated by the Line Manager/ HR Officer and the employee. The form will be filed by the HR Unit for monitoring purposes and a copy given to the employee for their records.

Appeals Process/ Right of Recourse

In the event that a request for reasonable accommodation is denied, or in the event that their request for a reasonable accommodation has not been considered fairly in a timely, confidential, and appropriate manner then the employee has a right to appeal.

The employee may have the assistance of an advocate/colleague in the appeals process and the advocate should be appointed and provided by the employee. The employee must make the appeal within two weeks of receiving an official response to their request. The employee must lodge their appeal with the Head of HR in writing indicating the reason/s for the appeal.

The Head of HR will acknowledge the letter and inform the employee of the date suitable to all parties when the appeal will be heard.

The appeal will be heard by the appeals committee, consisting of two members of the management group. The employee (with their advocate if appropriate) has the right to make a presentation of their case to the committee at that meeting.

The appeals committee will notify the Head of HR and the employee in writing of their final decision.

The Human Resources Officer will keep a record of the appeals process on file for monitoring purposes and will inform the Line Manager of the outcome .

In the event that the request is upheld then the process reverts to the Line Manager /HR Officer for implementation.

Monitoring and Reporting

The nominated Access Officer will be responsible for managing the Authority's response to requests for reasonable accommodation for customers.

The nominated Equality Officer will present an annual report to the Equality committee and Partnership Committee that will include quantitative and qualitative data on reasonable accommodation for employment applicants and members of employees with a disability.

This policy will be reviewed on a regular basis for effectiveness in its implementation and operation. This will be done in line with changes in statute law, relevant case law and other developments, and in line with the Authority's experience. Any revisions or modifications necessary will be updated and communicated.

Responsibility

The Head of HR has ultimate responsibility for the interpretation and implementation of this policy in relation to applicants for employment and existing employees.

The Access Officer(s) has operational responsibility for the interpretation and implementation of this policy in relation to customers.

We recognise that all employees working for or on behalf of the Authority have a responsibility to show compliance with the policy and procedures in relation to reasonable accommodation. It is important to note that each person applying to work with the Authority or currently employed by the Authority who requires an accommodation has primary responsibility to make a request for reasonable accommodation in a timely manner and if possible to outline the nature of the accommodation being requested .

Help and Guidance

Any employee who has an issue regarding the application of this policy/procedure should raise the matter with their line manager in the first instance

The Human Resources Unit is available to discuss any issues in relation to this policy. For further information, please contact the HR Unit .

The Authority is committed to reviewing existing practices and procedures where inequalities could be deemed to exist and to identifying further initiatives that could be put into practice.

REQUEST FOR REASONABLE ACCOMMODATION
IN THE HEALTH & SAFETY AUTHORITY



INITIAL NOTIFICATION OF REQUEST

(To be completed by Employee/Line Manager)

Notified to (insert name): _____ on (insert date): _____

Line Manager (to be completed by employee)	
HR Officer (to be completed by Line Manager)	

SECTION 1

Nature of disability:

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Any other comments you feel is relevant to your request:

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Accommodation sought:

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Employee signature:

Line Manager signature:

Date:	Date:

SECTION 2

FURTHER EXPERT ADVICE / ASSESSMENT REQUIRED

Referred to (insert name):

on (insert date):

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Outcome:

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Line Manager signature:

HR Officer signature:

Date:	Date:

SECTION 3

REASONABLE ACCOMMODATION PROVIDED (Give details of measures taken):

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Request met (tick box):

on (insert date):

Yes <input type="checkbox"/> No <input type="checkbox"/>	
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Employee signature:

Line Manager signature:

HR Officer signature:

Date:		