



## Rehabilitation and Return to Work



### Introduction

This section outlines some processes and practical examples which can be used to encourage people to return to work after an absence due to an illness or injury which has caused a disability.

### What is meant by 'accommodating' disability at work?

Under the Employment Equality Acts 1998 and 2004 employers are obliged to take appropriate measures – 'reasonable accommodation' – (unless the costs of doing so are disproportionate) to enable people with disabilities to have access to employment; to participate or advance in employment and to undergo training. Under the Acts such measures can include training resources or adaptations to:

- Workplace premises to make them more accessible for staff with disabilities.
- Work equipment.
- Patterns of working time.
- Distribution of tasks.

### What are some practical examples of accommodating disability?

The following are a guide:

- A talking lift with tactile floor buttons.
- Adjustable-height desks.
- A hands-free phone set.
- Later start and finish times.
- Organising the distribution of work tasks in a team so that staff who are hard of hearing are not expected to take minutes.

Some further practical examples of reasonable accommodations in the workplace can be found at [www.workway.ie](http://www.workway.ie).

### Why should I do anything differently when an employee is returning to work after absence?

Employees who have been absent from work may have a physical impairment, which means their return to work will require workplace adaptation(s) for them to be able to do their job. They may have a psychological impairment, which means that there should also be alterations, albeit different ones, made to the workplace. As the employer, you have an obligation under equality law not to discriminate against a person due to their having a disability. In essence this means you are obliged to be proactive in order to address their needs.

Often, when someone has been absent due to an injury, there are both physical and psychological issues that require attention in order to promote a healthy return to work at full capacity.

By making adaptations you are helping the person to adapt back to the workplace, assisting in their ability to do their work competently and ensuring that their ongoing health and safety needs are aligned to your work requirements.



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## How can I facilitate the return to work of an employee with a disability?

You can do this by making small or large changes to the physical place of work, as appropriate. These changes are called 'accommodations'. More information on the funding of these accommodations and examples of different ways employers can accommodate employees who have developed a disability can be found in the HSA publication Guide for Employers Employing People with Disabilities.

The best way to ascertain the requirements of the employee is to consult with the person and ask them what their needs are expected to be. Information on the costing of adaptations and grants or other available assistance can be obtained through the appropriate bodies with expertise in the area of adaptations. The National Disability Authority can provide assistance in this regard.

An employer is not obliged to provide any facility or treatment that the employee can reasonably be expected to provide for themselves.

Private sector employers may qualify for a workplace equipment adaptation grant and other types of grants/allowances from FÁS.

## What are return-to-work interviews?

Return-to-work interviews may be held for all who have been absent for more than a specified number of days per year or per six-month period. You can use the return-to-work interview to:

- Gain insight into the cause of the absence if it was work-related, and the nature of the effects of the injury or illness on the employee's ongoing performance at work.
- Establish any specific changes in the employee's mindset and abilities or any alterations the person might require under any new circumstances.
- Indicate formally to the employee that absences are noted and counted and that you take an active role in managing the absence and return process.

## What is the role of line managers with regard to rehabilitation back to work?

You must ensure that direct managers or supervisors understand their role in both promoting rehabilitation back to work and ensuring there is no discrimination of employees with disabilities throughout the workforce. Managers have a leading role in treating those who return to work after illness or injury the same way they treat all employees.

## How do I develop inclusive procedures in relation to disabilities?

Employees with disabilities are not a homogenous group, they are individuals with different abilities and requirements. In order to develop inclusive health and safety processes, it is good practice to consult your employees who have told you that they have a disability. These staff members understand their condition and will have good suggestions to make on the changes or accommodations they may need in order for their workplace to be inclusive, healthy and safe.

Employers may also find it useful to consult with relevant disability organisations. Many of these organisations have developed considerable expertise around particular conditions including health and safety issues and workplace requirements.

## Should I have a policy?

Yes. Employers should prepare and produce an inclusive policy on the employment of people with disabilities as part of the Safety Statement. Developing this policy involves:

- Risk assessment.
- Control measures to address identified risks.
- Consultation with staff with disabilities and sources of relevant expert advice.

Your risk assessment should take account of any particular risks for staff with disabilities. Identify if there are any particular hazards or risks for staff with different conditions such as:

- Restricted mobility.
- Limited dexterity.
- Impaired vision.
- Impaired hearing.
- Limited understanding.
- Health conditions such as heart problems, epilepsy or asthma.

Bear in mind that some staff may have hidden or undisclosed disabilities, so do not assume that disability will not be a factor in your health and safety planning.

### Should I keep records?

Employers should keep written records of risk assessments. These records should be the result of consultation and inputs from competent personnel and should be updated regularly for health and safety inspection purposes. Risk assessments provide a foundation for the ongoing development of health and safety processes.

### What is meant in this context by control measures?

Your control measures should include any particular steps that need to be taken to ensure employees with disabilities remain safe and well at work. Consider what practical steps you can take to minimise the risks you have identified. Consult with employees (including those with disabilities) and with organisations that provide services for people with disabilities to help develop and implement the policy and control measures referred to in it.

### How important is a supportive working environment?

Support from management and colleagues will often encourage people with injuries to return to work and meet challenges in a positive, proactive way. For example, where an employee knows there is a supportive environment between colleagues, an earlier return to work would be expected than one where the workplace environment is non-communicative or threatening. Where a disability is the issue, employees will be more likely to integrate and be productive when their physical as well as their mental needs are accommodated within the employment.

### Can you give a practical example?

In a landscaping company, employees are responsible for planting, trimming lawns and hedges, spraying plant fertiliser, operating leaf shredders and other machinery. Some of the employees have a range of intellectual disabilities. A risk assessment of this work environment would ask the following questions:

- Are all employees trained in the safe use and storage of chemicals and fertilisers?
- Are all employees provided with gloves, masks and other gear that protects them from chemicals, fertilisers etc?
- Are all employees with access to machinery fully trained in and aware of the safety hazards of the machine? Do they know and understand how to operate it safely?
- Do all employees understand the importance of washing their hands after working and before eating?
- Are all employees adequately supported and supervised to ensure that they know the step-by-step procedures to completing their tasks including any safety routines?
- Are instructions provided to employees in an easy-to-read format with simple language and visual aids? Is there a staff member delegated to talk people through what is involved?
- Are employees, especially those who may find it hard to remember details and instructions, given a daily run-through on procedures including safety precautions?

- Is there a buddy to supervise more hazardous tasks, such as loading the shredding machine?
- Is there a manager with responsibility for planning and overseeing health and safety for this work unit?

### Contacts/References

See the HSA's website ([www.hsa.ie](http://www.hsa.ie)) for copies of:

- **Guide for Employers Employing People with Disabilities.**

Further information is available from:

- **Certified Institute of Professional Development (CIPD).** Website: [www.cipd.ie](http://www.cipd.ie).
- **Disability Welfare Section, Department of Social and Family Affairs.** Lo-call: 1890 690690. Email: [disabilityben@socialwelfare.ie](mailto:disabilityben@socialwelfare.ie).
- **National Disability Authority.** Website: [www.nda.ie](http://www.nda.ie).
- **Workplace equipment adaptation grant and other types of grants/allowances from FÁS.** Website: [www.fas.ie](http://www.fas.ie).
- **Examples of reasonable accommodations in the workplace can be found at:** [www.workway.ie](http://www.workway.ie).

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