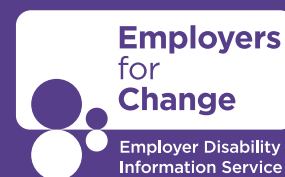








Reasonable Accommodation Passport

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Patricia King Congress

Congress is delighted to be jointly launching with Ibec the reasonable accommodation passport scheme.

The scheme was brought to our attention by the TUC in the UK and the GMB trade union who brought a motion urging trade union support for such an initiative in Ireland. The motion - which has the strong support of our Disability Committee - acknowledged the significant benefit of quality work for disabled people and recognises the valuable contribution that they make to the workplace.

Equality legislation requires employers to make reasonable accommodation to enable disabled workers to carry out their work on an equal footing with others. The passport system provides a confidential live record of the barriers people face and the accommodations that have been agreed to prevent or reduce its impact in the workplace. It would ensure that everyone is clear about what has been agreed and reduce the need to reassess these each time an employee changes roles or has a change in line management.

The rights of disabled people to decent work is frequently denied. People with disabilities face enormous barriers to equal opportunities in the world of work. Compared to non-disabled persons, they experience higher rates of unemployment and economic inactivity.

We hope that today's joint launch will lead to widespread use of the model in Irish workplaces and makes a contribution to the attainment of decent work for our disabled members.



Danny McCoy CEO, Ibec

Today in the workplace diversity and inclusion is a given - we know it is good for business, for solving complex problems, for helping us win the war on talent and being more responsive to our increasingly heterogenous customers.

However, despite significant progress in recent years, people with disabilities continue to face barriers in accessing the labour market, education and training activities and remain a largely untapped source of talent.

Some companies may shy away from hiring candidates with disabilities in part because they are unsure what “accommodations” those employees will need to do the job. Employers imagine they will have to buy expensive equipment or adapt their office space, but the reality is quite different. Often accommodations are just productivity aids like a screen reader, changing start or end times or changing the height or location of a desk.

Another challenge that managers sometimes face is the discomfort that comes with not knowing how to discuss disability, or what questions they can ask about accommodations. However, people with disabilities usually know what they need to do the job, so Ibec and Congress have collaborated on the development and promotion of the Reasonable Accommodations Passport to facilitate these conversations.

This Passport is a tool to support individuals in fulfilling their potential and contributing to their own success and that of the organisation. It is hoped that it will form one of the supports to encourage the employment of people with disabilities and open up conversations around reasonable accommodation.

Ibec looks forward to playing a leadership role in promoting this tool and encouraging good practice. We have embraced the business case for diversity, now we need to leverage the benefits by ensuring inclusion is part of our organisational culture if we are to truly enable people of all abilities to contribute to the success of their organisations, be valued as individuals, derive value from differing perspectives and inspire talent to thrive.



Introduction



One in seven people in Ireland has a disability, that's 13.5 per cent of the overall population. These disabilities can be visible or invisible. People can be born with a disability or acquire a disability over the course of their lifetime as a result of an accident or illness.

As around one in five people of working age have a disability and many disabilities are acquired by individuals while they are in employment, the need to make workplace accommodations can arise at any time. However, people with a disability are less likely to be working. Of the population aged 20 to 64, 73% are working. However, for people with a disability of the same age, only 36% are working. Looking at those at work – only 6.3% of all workers have a disability.

According to the National Disability Authority, the reasons for this are complex. While many employers successfully employ people with disabilities, for others, limited disability know-how and a fear of the unknown can be issues. From the individual's side, research shows other reasons for low employment rates can include fears around loss of benefits, previous negative experiences of employment or recruitment, alternative qualifications or limited experience and practical issues such as transport or work arrangements or accommodations.

The UN Convention on the Rights of Persons with Disabilities came into force on 19 April 2018. The Convention includes Article 27 on work and employment. A27 text: Article 27 – Work and employment states that

“Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. Parties shall safeguard and promote the realization of the right to work.”

Decent work is now a crucial part of Agenda 2030 and the sustainable development goals that chart the global development agenda for the next 11 years. Target 8.5 set out



under Goal 8 of the Sustainable Development Goals - states that:

“By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”.

We believe that social dialogue is a key mechanism to ensure that the goals are achieved, awareness raised, and action taken and so have embarked on a joint initiative to develop and promote a Reasonable Accommodation Passport for employees, employers and trade unions alike.



The Social Model of Disability



Congress and Ibec have adopted the social model of disability. The social model of disability focuses on the ways in which society is organised, and the social and institutional barriers which restrict disabled people's opportunities. The social model sees the person first and acknowledges that the disabling factors for the individual are attitudes, societal structures and systems as opposed to any medical condition.

Barriers can make it impossible or very difficult to access jobs, buildings or services, but one of the biggest barriers is the problem of people's attitude to disability. Removing the barriers is the best way to include millions of disabled people in our society.

The Duty to Make Reasonable Accommodations

The Employment Equality Acts (1998 - 2015) place an obligation on employers to provide an employee or potential employee who has a disability with reasonable accommodations, referred to in the Act as “appropriate measures”. The reasonable accommodation is something that helps to alleviate a substantial disadvantage due to an impairment or medical condition.

The purpose of providing reasonable accommodation is to enable a person who has a disability:

1. to have access to employment,
2. to participate or advance in employment, or
3. to undergo training,


What that means is that an employer makes a change to the distribution of the tasks or adaptation to premises or equipment, or makes changes to patterns of working time so that an employee with a disability can do the job to the best of their ability and enjoy equal employment opportunities, thus providing equality of access and opportunity for all.

Employers must also make accommodations to enable people with disabilities to return to work having acquired a disability, as well as to participate in the job application process and enjoy benefits and privileges accorded to other employees.

However, under equality legislation, employers are not obliged to provide special treatment or facilities if the cost of doing so is excessive or disproportionate. If you have to make changes to accommodate a disabled employee, the demands should be reasonable and should not impose a disproportionate burden on the employer. In other words, the changes and the costs should be realistic for the business to bear depending on several factors:

- The financial and other costs of the accommodation requested;
- The scale and financial resources of the employer’s business.

Employers must also consider possible sources of funding, such as supports, and grants provided by the Department



of Social Protection when assessing the cost of a particular accommodation. Rather than assuming the costs will be high, it is critical to establish what accommodations are needed as not all supports require financial outlay. Research shows that most accommodations cost nothing and involve task adjustments.

In a work context, reasonable accommodations are now commonplace, often inexpensive and uncomplicated to implement. They can vary greatly from individual to individual and so consultation with the person with the disability is key to finding the best solution.

Many supports are minor adjustments such as keeping hallways and office space free from obstacles or increasing the font size on a computer screen. Others can involve assistive technology such as screen reading software that reads the computer screen information out loud or magnification software to enhance visibility, speech to text dictation software or induction loops. While others can include adaptations to the work environment such as wheelchair ramps or relocation of desks, flashing or audio alarms. Often accommodations can come in the form of adjustments to tasks or working hours.

There is no limitation on the type or category of measures that an employer can be expected to take, provided that they do not involve a disproportionate cost. It can involve effective and practical measures, where needed in a particular case, to adapt the employer's place of business to the disability concerned. It may, in particular, involve the adaptation of premises and equipment, patterns of working time, distribution of tasks or the provision of training or integration resources. There are, however, some limitations. For instance, employers are not obliged to provide anything that the person would normally provide for themselves and employers are not required to employ, retain or promote someone who is not competent or capable of doing the essential duties of the job.

The Labour Court has summarised the nature of the obligation to provide reasonable accommodation as follows: -

“The provision of special treatment or facilities is not an end in itself. It is a means to an end and that end is achieved when the person with a disability is placed in a position where they can have access to, or as the case may be, participate in or advance in employment or to undergo training. This can involve affording the person with a disability more favourable treatment than would be awarded to an employee without a disability. Thus, it may be necessary to consider such matters as adjusting the person's attendance hours or to allow them to work partially from home. The duty to provide special treatment may also involve relieving a disabled employee of the requirement to undertake certain tasks which others doing similar work are expected to perform. The scope of the duty is determined by what is reasonable, which includes consideration of the costs involved. This is an objective test which must have regard to all the circumstances of the particular case.”

What is a Reasonable Accommodation Passport?

Reasonable Accommodation Passports are designed for disabled employees who require workplace adjustments or accommodations. It is a written record of accommodations or workplace adjustments that have been agreed between the employee and their employer (line manager or designated contact within the organisation).


They are 'live' confidential documents agreed between an employee and their employer about changes to work, with a built-in review period to ensure they reflect the current situation for the employee in the workplace. It will ensure reasonable accommodations are put in place and kept up to date, in line with changes in job role or in the employee's needs. For some individuals who have fluctuating needs, additional steps can be spelt out regarding short-term flexibility required within the overall reasonable accommodation passport framework.

The Reasonable Accommodation Passport allows the employee, to:

- explain the impact of their working conditions on them, given their personal circumstances
- explain the barriers that they encounter that may stop them participating fully at work
- suggest adjustments that they think will make it easier for them to fully participate
- review the effectiveness of accommodations provided and the ongoing impact this has on their work
- explain any change to their health or circumstances.
- feel reassured that their manager will know what to do if they become unwell at work, when to contact emergency services and who to contact if necessary
- know how and when their manager will keep in touch should they be absent from work due to their disability

The passports purpose is to:

- make sure that both the employee and employer are clear about what accommodations have been agreed and has a record of these
- reduce the need to reassess and renegotiate



accommodations every time an employee changes jobs, is relocated or is assigned a new manager

- provide an employee and employer with the basis for future conversations about accommodations.

Guiding Principles for Dialogue and Implementation

To complete a Reasonable Accommodation Passport involves the individual employee requesting a meeting with their line manager or designated person, which should take place in a quiet and confidential space. It is important that line manager creates an open and supportive environment where employees feel they can share that they have a disability and any adjustments from which they might benefit. An employee's decision to talk to their line manager about the Passport may require courage and should be treated sensitively and respectfully at all times.

Approach the treatment of the information with an open mind and in a positive and constructive manner, acknowledging the challenge of sharing their disability in this work environment. Do not let fear of saying the wrong thing overtake your ability to support the person.

Actively listen to what the individual has to say. It is important to follow the persons lead and the language they use.

Give time to the person to explain their disability to you as they may be nervous about confiding such personal information with a stranger/employer and may be wary of a negative reaction.

Using the Passport identify the employee's workplace accommodation needs by:

- Involving the employee who has the disability in every step of the process.
- Using job descriptions and job profiles to analyse essential functions of the job.
- Consulting with the individual to ascertain the precise job-related functional barriers and how these could be overcome with potential accommodations e.g. if the individual has hearing loss – they might prefer email and video call to be the primary method of communication and with captioning etc.
- Exploring ways of providing workplace accommodations.
- Deciding if and how co-workers who may be directly impacted by any of the proposed accommodations will be informed. Remember confidentiality of information shared should be protected at all times.

Assume that it is possible to accommodate the person's accommodation needs and so tell the person you will come back to them about supports and how they will be implemented. Do not assume that the accommodations cannot be met.

Remember, there is no obligation on individuals to share this information. Therefore, they might not have spoken to anyone about their disability prior to their interaction with you. It is important that a welcoming culture be created at the earliest stage so that employees feel confident in sharing this information.

The next step is implementation of the most reasonable and effective accommodation that is also the most appropriate for the employee and employer.

Remember: Accommodations selected should be effective, reliable, easy to use, and readily available for the employee needing the accommodation.

The line manager will follow up on any agreed actions to implement workplace adjustments for the employee. If someone has a passport, they can share it with anyone they think needs to know about the barriers they face and the accommodations that are needed to reduce the effect of these barriers in their work environment. It also removes the need for the employee to have to repeat potentially difficult conversations or renegotiate their accommodations every time they move roles or change manager, something that is both unnecessary and stressful, as the passport can be part of the handover documents.

The passport should only be shared with the incoming line manager or designated person once the written permission of the employee has been given. Although the employee has control of the information and who it is shared with, it is usual practice for the manager to have a signed copy as well, and sometimes the organisation's HR or personnel team.

The last and some ways the most crucial step is to review the implemented accommodations with the employee.

The passports and agreed reasonable accommodations should be reviewed six months after the adjustments have initially been put in place for two reasons:

- to ensure they remain effective in removing any identified workplace barriers;
- and where they are found no longer to meet that requirement, to allow a timely conversation to take place to identify accommodations that will address the issues faced by the worker.

Further reviews will be at the employee's request, and/or when there is any change to a employee's job that might create additional barriers. This will ensure the accommodations are still appropriate and effective.

Changes to the type of reasonable accommodations that need to be considered are not uncommon. They can change for a number of reasons, including technological advances that may mean there are better ways to overcome workplace barriers, changes to a worker's job or changes to an individuals' condition. An individual may require a combination of several workplace adjustments to enable them to do their job effectively.

A passport is not legally binding and is not intended to impact employment rights.

Example

Mike is a civil servant who is autistic. He agreed his accommodations with his line manager which included accommodations to reduce anxiety.

The agreed accommodations included changes in the way his line manager communicated with him and how formal management meetings were conducted. This was recorded in his passport which was signed by Mike and his manager.

Mike found that his passport became a useful tool for him and his line manager who could refer back to it when discussing the effectiveness of the accommodations. Where improvements were agreed, they were recorded within the passport. All the information about Mike's accommodations was recorded in one place and on one form.

He found that his passport has ensured that his accommodations stayed in place when his line manager has changed. Mike is confident that if he moves to a different job or the people around him change, his passport will be a useful guide to the best way to support him.



Scope for a Reasonable Accommodation Passport for All



While the Reasonable Accommodation Passport was created with the intention of removing barriers for disabled employees, we realise that there are many benefits of such a passport for all employees. Many companies have implemented such a passport for use by all employees. This allows employees who are primary carers or with young children to make workplace adjustments when needed. In turn this has a positive impact on staff turnover and so too a positive impact on the bottom line for the employer. Like with technological advances we can see that what has benefits for disabled employees does in fact positively impact all employees.

Conclusion

Our vision is a future where all workplaces are accessible, inclusive and without barriers that prevent equal participation of disabled people and all employees from marginalised backgrounds. Both employers and trade unions have an important role in working to address major work inequalities if we are to meet this vision.

Sample Reasonable Accommodation Passport

Name of employee:
 Name of manager:
 Passport history:

(This table gives details of the history of the passport - the dates previous meetings were held and who the manager was at the time.)

Date of review	Manager Name

Document Completion Information

In completing this Passport, the employee consents to the information being held by their manager/ designated person and if appropriate their HR Manager.

If the employee has a change of manager, the manager/ designated person leaving will seek the employee's consent prior to the Passport being transferred in strictest confidence to the new manager/designated person.

Details

Date of meeting to complete the Passport	
Employee name	
Manager name	
Other attendees and their role	
Purpose of meeting	
Current role of individual	

Overview of Employee's Disability or Circumstances, Workplace Barriers and History

(This will allow the employee and manager to gain a better understanding of the individual's condition or illness and how it affects the individual.)

Suggested questions to start the discussion:

Question	Answer	Action Points, Date, Owner
What is the general nature of your disability or condition?		
What workplace barriers exist or might exist for you?		
Are or will these barriers be a constant or likely to change?		
If relevant: what ongoing treatment or support are you receiving outside of work?		
What adjustments/ accommodations do you believe would enable you to do your job most effectively?		
Are these adjustments/ accommodations required on a temporary basis (up to 6 months) or more permanently?		
Is there a work colleague you trust to confide in if you need additional support? If so, please give their name/ contact details.		

Agreed Accommodations

Provide a list of all of the currently agreed accommodations.

Accommodation	Date of Adjustment	Date of Review	Change of Accommodation Required (If Appropriate)

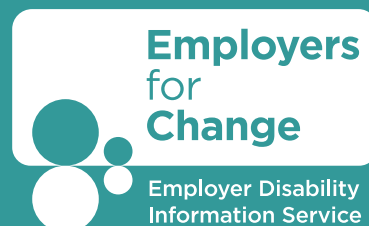
Emergency Information

Please provide any additional information that may be useful in case of an emergency related to your situation if appropriate. These should be checked and updated at review meetings as appropriate.

Who are the people you would like to be contacted in the event that you become unwell at work?	Name: Relationship: Contact details:
Are there any external sources of support that you would be happy for your line manager to contact on your behalf if you become unwell? E.g., GP; Psychotherapist; Specialist etc.	Name: Role: Contact details:
How would you prefer to communicate with your manager if you are unable to come to work?	Text: Email: Phone call: Phone call by designated person:

Employee's Signature _____ **Date** _____






Manager's Signature _____ **Date** _____





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