

Avoiding disability discrimination

A guide for staff
& managers



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

Getting It Right...

This leaflet aims to provide some advice and guidance for line managers and colleagues of staff with disabilities. Currently over 6% of staff working in DARD have declared some form of disability, although the true percentage of disabled staff is probably much higher. It is likely that at some point you will work with a colleague who has a disability, possibly without even knowing it, as many disabilities are hidden ones.

Equal opportunities is a natural and integral part of good management practice, and it makes sound business sense too. We each have a responsibility to treat other people fairly, and to help remove any barriers that a person with a disability might face in their workplace. But these barriers are not just physical ones such as steps into buildings, or narrow doorways...they can also include other 'obstacles' such as - attitudes towards disabled people, lack of awareness, and general thoughtlessness.

*This leaflet can be supplied in an alternative format if required. For more information, please contact Media Services
Tel 028 9052 5486*

We need to make more of an effort to find out what the difficulties are that many disabled people face, rather than relying on our assumptions and stereotypical views. So, do take time to talk to disabled colleagues and customers to find out exactly what assistance they need, and how best we can provide it for them. Remember, common sense and a little thought can go a long way.

In the 2001 N. Ireland census, the proportion of the population estimated to have a long-term illness or disability was almost 20%. This represents a total estimate of 343,000 people in N Ireland, and this number will continue to rise as our population ages. Disability is something that affects all of us in some way, as we may have a friend, relative or work colleague who has a disability or health condition, or we may acquire one ourselves at some stage in our working lives.

Facts...

- 1 in 5 people in Northern Ireland has a disability
- 70% of people acquire their disability during their working life (between ages of 16-65). The likelihood of developing a disability increases steadily from the age of 45

- Approx 35% of all disabilities are hidden, and only 5% of disabled people are wheelchair users
- 33% of people over the age of 55 have a disability
- 3 in every 100 people will develop diabetes
- 1 in every 130 people will develop epilepsy
- 1 in every 50 people could be registered blind or partially sighted
- 1 in 7 people in N. Ireland has a hearing impairment
- There are 33,000 people in N. Ireland with a learning disability

- There are 220,000 people in NI who are either deaf or have a hearing impairment. Most people who develop a hearing loss are over the age of 50

The Legal Framework

The Disability Discrimination Act (DDA) is designed to stop disabled people from being treated unfairly. It gives rights in the way that they receive and access goods, services and facilities. The DDA also states clearly that it is unlawful for employers and service providers to treat people with disabilities less favourably than non-disabled people, simply because of a reason relating to their disability.

The DDA defines disability as 'a physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'.

Since the introduction of the Northern Ireland Act 1998, DARD also has a responsibility to have due regard to promote equality of opportunity between persons with a disability and persons without.

The meaning of 'normal day-to-day activities'

The term 'normal day to day activities' does not include work activities of any kind. This is because no particular kind of work is 'normal' for most people. In deciding whether an activity is a 'normal day-to-day' activity account should be taken of how normal it is for most people to undertake that activity on a daily or regular basis.

- Some examples of normal day-to-day activities include... walking and moving, being able to recognise physical dangers, being able to control arms and legs, and being able to lift, carry, or move everyday objects

What is a disability?

Disability can happen in a number of ways. For instance, some people may be born with an impairment, or develop one as a result of an injury, illness or disease, or it may be the result of an accident, or a genetically inherited condition. Some conditions will get worse over time, or some people may have had a disability in the past and recovered.





And of course, disability doesn't just mean 'immobility' as there are many sorts of disabling conditions. Obviously a person with a hearing impairment will need very different provision than someone who uses a wheelchair. Disability can often be difficult to define as each disability or impairment can have varying degrees of severity and will impact very differently on people's lives.

You may be surprised to know that the DDA covers a wide range of conditions, including ones which some people may not consider to be disabling. For instance the DDA definition can include people with learning disabilities, visual impairments, epilepsy, diabetes, heart disease, cancer, dyslexia, depression etc.

The law tells us that...

- It is illegal to treat disabled people **less favourably** than non-disabled people because of a reason relating to their disability
- As an employer, and a public service provider, we have a legal duty to make and anticipate the need to make '**reasonable adjustments**' for disabled people so that they can access the same level and quality of service as non-disabled people
- From October 2004 service providers have been required to make adjustments to the physical features of their premises. This can mean **removing, altering or avoiding** any physical barriers for disabled people, or if this is not possible to do, finding ways to provide a suitable and acceptable alternative service.

What it means in practice

So, we know that it is against the law to treat disabled people less favourably than others because of their disability. For example, only having our forms, publications, written documents and guidance etc available in ordinary size print might be treating blind people less favourably because of their blindness. A 'reasonable' way around this could be to offer the same information in a way that specifically suits the needs of the person who is blind, perhaps on audiotape or in Braille.

The DDA also says that it is discrimination if service providers offer a poorer quality of service to someone because of their disability.

This means when considering if a service is reasonable or not we should consider if non-disabled people would put up with the same level of inconvenience, discomfort, waiting time or loss of dignity if they had to endure similar difficulties. And if not, then why should people with disabilities have to put up with it either?

What is 'reasonable'?

There isn't a clear definition for this. However, as a large employer and public service provider, DARD is expected to lead by example and to do whatever it can to provide assistance so that disabled customers, visitors and employees can access all our services.

And anyway, making adjustments is clearly something that will benefit everyone whether or not they have a disability; for instance, providing automatically opening doors will assist parents with young children, porters, catering staff and people carrying packages etc.

Workplace Adjustments

- Most individuals with a disability do not require any extra help at all


However, there may be times when a manager will need to consider making some workplace adjustments for an individual who has a disability or a long-term health condition. Usually the adjustments needed will involve little cost, time or disruption and are therefore reasonable for the Department to make.

As managers...

We need to be sure that the everyday decisions we make in relation to our staff are fair and justifiable, and do not disadvantage someone simply because they have a disability. This means for example, examining how we allocate work responsibilities, carry out induction programmes, monitor and appraise work performance, provide access to training programmes, promotion and career development opportunities etc.

As managers, we should also ensure that our staff are aware of disability issues and that they are able to deal with disabled colleagues and customers in a professional and sensitive way. You may wish to consider if your staff would benefit from some disability awareness/ etiquette training, such as basic signing skills if they 'meet and greet' visitors and customers, or perhaps some advice on how to provide specific assistance when required to do so eg how best to assist a colleague who is blind or deaf, or a customer who may have a learning disability. If so, contact details are on the back page.

Try to think ahead



In addition, organisations are now expected to anticipate what provision disabled people may need to access their services and to take reasonable steps to ensure that this help is provided in the right way. In DARD we can do this by talking to our customers and colleagues about any issues they may have with access to buildings or the services we provide, and seeking any ideas they may have for making improvements.

Improving our services

For instance this could mean considering the provision of a BSL / ISL (sign language) interpreter, electronic notetaker, induction (hearing) loops to assist people with hearing impairment in all conference and training facilities; improving the accessibility and standards of information held on our internet and intranet sites (eg font size, colours), re-examining our existing publications, leaflets and forms; considering the provision of text phones, alternative emergency warning signals (eg flashing red light, bleeper), ensuring that Guide Dogs and other Assistance Dogs can be accommodated if needed, or reserving wide car parking spaces for disabled drivers.

There will of course, be many other forms of assistance that DARD could consider introducing if appropriate to do so. However, it must be stressed that it's not enough just to provide fully accessible services and facilities; service providers are also expected to ensure that these services (eg accessible toilet facilities, induction loops, reserved carparking spaces etc) are maintained in good working order, and that their use is properly 'policed' at all times.

Obviously it is also important that key 'front line' staff are trained and available to give advice / guidance as and when required eg on use of text phones and induction loop systems.

DARD Initiatives

This Department now has a simple 'reasonable adjustment' process in place to help identify and consider the specific needs of disabled staff in the workplace. In addition, a Disability Forum was set up in 2002, and has been working successfully since then to raise awareness of disability issues. The Forum also provides a way for the concerns and needs of staff with disabilities to be raised and considered by key DARD personnel.

- For further advice and guidance on disability related issues; or to find out more about the work of the Disability Forum, please check out the EO page of the Personnel intranet, or alternatively contact EO Section. Full contact details are given on the back of this leaflet.

Good Practice Guidelines

Disabled people are individuals just like everyone else. Don't make assumptions about what someone might need, or about their abilities.

Talk to, and listen to, the disabled person.... they are clearly the best person to talk to about any specific assistance or adjustments they may require. And of course, do talk directly to the person, and not to someone who may be accompanying them eg a sign language interpreter.

Plan ahead. Think about what you can do now to anticipate the likely assistance that may be needed in the future for both staff and your customers. eg provision of induction loops in meeting rooms and reception areas, larger print on forms

Be patient. If someone has a difficulty understanding what you are saying, perhaps because of a learning disability; be patient and be prepared to explain something more than once. Use simple language, speak clearly and avoid jargon.

Offer assistance if someone looks as if they need it, but wait for them to accept before you help, as they may not want it or need it. It is also important to ask how the person wishes to be helped instead of assuming you know what to do.

Avoid staring. If someone looks 'different' concentrate on what they are saying, not on the way they look.

Be aware of fatigue as an issue. You should be aware that the individual may need to have short breaks.

Do not lean on a wheelchair – it is part of the user's personal space. Never push a person in a wheelchair without asking first

Do not pat or distract a guide dog or any other assistance dog while it is working, and under no circumstances should you feed it

Most of the points mentioned above are just basic courtesy and good manners. If you are in any doubt ask the person you are talking to for advice, rather than behave in a way that might offend.

Summing up

- DARD as an employer and service provider already has to make reasonable adjustments under the DDA. We are also required to review all existing policies, procedures and services, and to provide aids or services when needed to assist disabled people.
- Since October 2004 these duties have been extended to deal with the physical features that make it unreasonably difficult or impossible for disabled people to use service provided.
- Service providers should also try, where practical to anticipate the likely needs of disabled people, and not just wait until someone cannot use the services being provided.

For further advice on disability issues

Contact Equal Opportunities Section by

Telephone: 028 9052 5434

Text phone: 028 9052 4420

Fax: 028 9052 4040

Email: type **equalopps** into your Outlook mail account

Post: Room 364, Dundonald House
Upper Newtownards Road,
Belfast BT4 3SB

DARD awarded
**Disability Employer
of the Year 2004**



**Employers'
Forum on
Disability (NI)**

You can also find further information about disability issues on the EO Section page of the Personnel Services Intranet