

ACCS/ASTI Code of Practice for Persons with Disabilities

ACCS/ASTI Code on Promotion of Equal Treatment for Gay and Lesbian Teachers' in the Workplace



ACCS/ASTI Code of Practice for Persons with Disabilities 2009

Introduction

This Code of Practice is intended as a tool to give practical effect to the provisions of the Employment Equality Act, 1998, the Equality Act, 2004 and the Equal Status Act, 2004 which prohibits discrimination on any of the following nine grounds: Gender; Marital Status; Family Status; Age; Disability; Sexual Orientation; Religion; Race; Membership of the Traveller Community.

The Code is intended for use by (*School Name*) to enable them fulfill their duties as employers under the Employment Equality Act, 1998 and the Equality Act, 2004 and in particular under the Equal Status Act, 2004. The Code aims to contribute to developing equality for people with disabilities and ensuring that they are recognised and treated as having equal status with all other persons. It is the policy of (*School Name*) to promote equality of opportunity for people with disabilities and to ensure that their needs can be safely accommodated within our work environment, in all practices and procedures.

(*School Name*) is embracing the challenge of providing services to people with disabilities. Some progress has already been made towards providing the necessary structure and service to employees with disabilities.

(*School Name*) will continue its efforts to adapt policies, structures, services and physical premises to ensure equality of opportunity resulting in greater participation of people with disabilities in (*School Name*) both as employees and service users.

Department of Education and Skills will be asked to meet the costs provided they are not of a disproportionate nature relative to available resources. We will seek to ensure that any changes are done in consultation with people with disabilities.

Definition of Disability

For the purposes of this Code the definition of disability adopted is as set down in the Employment Equality Act, 1998 and the Equality Act, 2004 and is as follows –

- (a) Total or partial absence of a person's bodily or mental functions, including the absence of a part of the person's body,
- (b) Body organisms causing or likely to cause chronic disease or illness,
- (c) Malfunction, malformation, or disfigurement of a part of a person's body,

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- (d) Condition of malfunction that results in a person learning differently,
 - (e) 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. Examples of different types of disability include mobility, visual, auditory, speech, dexterity, mental, psychiatric illness and learning difficulties. Whilst some forms of disability can be obvious, others are not readily apparent. The same disability can vary and can affect people differently.

Recruitment of Staff

(School Name) will ensure that their recruitment process actively encourages people with disabilities to apply for positions. In this regard, the adaptation of recruitment materials of the organisation will be examined and amended, where necessary, to ensure that it incorporates equal opportunities for people with disabilities.

(School Name) will review its practices to

1. (a) assess their particular relevance, identify gaps and barriers in relation to members with disabilities.
 - (b) identify appropriate measures to be taken to adapt existing services to meet the needs of people with disabilities.
 - (c) identify the need for new services, as appropriate.
 - (d) review handbooks, promotional materials, etc. to assess their appeal to members with disabilities.
2. Develop an Action Plan to design and implement adaptations to existing services or the introduction of new services, as appropriate.
3. Assess and aim to provide the resources to achieve the Plan within two years.
4. Monitor and Review progress on a biennial basis.

Participation

(School Name) in collaboration with Department of Education and Skills will aim to provide access for persons with disabilities and facilitate participation at all levels of the organisation.

Communications

(School Name) will ensure that staff members are regularly made aware of policies and work in progress in relation to disabilities. (School Name) will ensure that all relevant communications, circulars and policy documents will be available in a particular format on request. This format could include CD Rom, Large Print, Audio Tape, Braille etc. (School Name) with the assistance of the Department of Education and Skills will also ensure that their website is accessible to all.

Education and Training

(School Name) will include on all of their equality training and education activities the development and delivery of disability awareness training for staff. (School Name) will actively promote the participation of members with disabilities on relevant training courses.

Physical Access to School

(School Name) with the assistance of the Department of Education and Skills will take the necessary steps in undertaking structural alteration or renovation of an existing building to ensure that it is brought up to an acceptable standard to facilitate access by people with disabilities within the next X years.

(School Name) will include in its building maintenance plan a monitoring and review process to ensure that its premises continue to facilitate access by people with disabilities.

Schools as Employers

For the purposes of this Code the employment of people with a disability as set down in Section 9 of the Equality Act 2004 will apply where it states:

'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.'

Advertisements

All advertisements will clearly state that (School Name) is an equal opportunities employer and that the position is open to candidates from within all nine grounds of the Employment Equality Act, 1998, the Equality Act, 2004 and the Equal Status Act, 2004. The wording of the advertisements should encourage applications from people with ability to do the job. Any questions which may be posed in the advertisement will

focus on requesting information on relevant work-related educational attainments, skills, knowledge and abilities.

Advertisements could indicate that accommodation will be provided to candidates on receipt of notification for same.

Where advertisements are to be placed in the public media, they will be placed in such a way as to ensure that no groups or individuals are disadvantaged in terms of accessibility.

Job Application Forms

Job Application forms where they are used will contain clear instructions and only seek information that is relevant to the actual requirements of the job. The application form will comply with the provisions of the Employment Equality Act, 1998, the Equality Act, 2004 and the Equal Status Act, 2004.

The content of any application will be reviewed in the light of the competencies required for the position and to ensure that they remain in conformity with best practice in relation to equal opportunities.

The Job Application Form where applicable will state that the accommodation of special needs will be considered for candidates who may require them.

Job Application forms, where they are used, will be available in a number of formats i.e. for electronic dispatch on computer to assist candidates with sight impairments who are using assistive technology with voice activated readers on their computers; in hard copy, large print, and Braille.

Interview Boards

When applicants are being called to interview they will be asked to indicate whether special facilities, arrangements and/or equipment are necessary to enable them to participate in the interview.

Appropriate adjustments will be made, where necessary, to facilitate people with disabilities and to allow them to compete on an equal basis. Disability car parking arrangements and the location of lifts will be specified in the letter of invitation to all to be interviewed.

The interviews will focus on the candidate's skills, talents, qualifications and capacities for the job for which they have applied. Members of the Interview Board will be given training or instruction on disability awareness and the policy of (*School Name*) with

regard to equal opportunities. The Interview Board will be fully briefed on the criteria for the position being advertised and the need to ensure absolute fairness in respect of the applicants.

Short listing criteria will not directly or indirectly discriminate against people with disabilities.

Disclosure

(School Name) concurs with best practice in that, subject to Health & Safety, there is no obligation on employees to disclose a disability, and there is correspondingly no right of employees to seek or expect information on disability. Early disclosure of disability facilitates the planning and design of appropriate accommodation. The decision to disclose disability is up to the individual. If a disability represents / might represent a health or safety risk or hazard in the workplace, an employee is obliged to disclose it so that the employer can make a risk assessment as to whether new or additional health or safety measures need to be put in place.

Integration into the Workplace

Awareness training on disability and equal opportunities will be provided for staff.

A meeting with the new appointee and the Principal will be arranged in advance of the person taking up duty. The purpose of this meeting will be to discuss with the new appointee his/her placement and any facilities which may be required to optimise job performance.

Many people with a disability can operate effectively without modification to their work area.

However, specific facilities are required by some. *(School Name)* will ensure as far as practicable that the working environment is adapted to meet the specific needs of the individual with a disability. Appropriate Measures include:

- Adaptation of premises and equipment
- Patterns of Working Time
- Distribution of Tasks
- Provision of Training
- Integration of Resources

(School Name) recognises that good communication between the Principal and the teacher is the key to a successful outcome; therefore it is essential that the new staff member is integrated into whatever workplace arrangements prevail. Where such arrangements involve teamwork, Principals should ensure that staff with disabilities have opportunities not only to work with others on group projects, but, when appropriate, to assume leadership roles.

Involvement of all staff should also extend to social events, informal employee gatherings and sporting activities. The relationships formed with work colleagues are critical. Developing collaborative approaches during induction will assist in ensuring cooperation of work colleagues on an ongoing basis. As the impact of the disability or work practices themselves change over time, it is important to be in a position to respond and to be able to rely on the support and cooperation of work colleagues in developing solutions to any barriers or obstacles which may emerge.

Mentoring

If deemed necessary, and subject to agreement with the new employee with a disability *(School Name)* will put in place a mentoring system with a specific timeframe for new employees with disabilities. The mentoring system will operate during working hours or work-related social events. Employees with disabilities may also be trained as mentors.

Career Development

Opportunities for promotion should be as open to people with disabilities as to those without them. *(School Name)* will ensure that staff with disabilities will be given to the greatest extent possible, the same opportunities as other staff to acquire the range of training, skills and experience necessary for future career development. Any impediments which inhibit availability of training or other staff development measures, such as physical/sensory access to training centres, conference rooms, format of training materials, etc. will be identified and removed. An appropriate communications system will be identified such as the provision of a sign language interpreter.

Staff with disabilities will be encouraged to apply for promotion. *(School Name)* will ensure that career development for individuals with disabilities will include the following options:

- Moving the employee to a different role
- Varying the type of support they provide

Retention of Staff who become disabled.

Every effort will be made, in the event of a staff member becoming disabled, to ensure that they retain the same or similar job. Where this is not feasible retraining for other suitable jobs within *(School Name)* will be actively considered with the assistance of the Department of Education and Skills.

Health and Safety

(School Name) will ensure that staff with responsibility for safety are advised that special arrangements may be required for some staff and members with disabilities in the event of an emergency evacuation of the premises (i.e. people with hearing impairments may need special warning mechanisms, people with mobility problems may need evacuation chairs). *(School Name)* will ensure that such facilities/arrangements will be put in place. Staff with disabilities will not be excluded from fire/evacuation drills and training.

Supports for Employees with a Disability

Schools will ensure appropriate reference to and use of whatever grants may be available to support employees with disabilities in employment.

Monitoring and Review of Process

Procedures will be agreed for evaluating and monitoring the operation of this code of practice to ensure that it is effective. All employees of *(School Name)* have a role in ensuring that the provisions of this code are adhered to. Specific responsibility in this regard attaches to Principal and Boards of Management.

(School Name) will ensure the promotion of equality for its staff through publicity material and structures, education and training, the provision of all other services and benefits and all other activities.

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Equality Act 2004 (No. 24)

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‘appropriate measures’, in relation to a person with a disability –

- (a) means effective and practical measures, where needed in a particular case, to adapt the employer’s place of business to the disability concerned.

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- (b) without prejudice to the generality of paragraph (a), includes the adaptation of premises and equipment, patterns of working time, distribution of tasks or the provision of training or integration resources, but
 - (c) does not include any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself;".

Insert Date

ACCS/ASTI Code on Promotion of Equal Treatment for Gay and Lesbian Teachers' in the Workplace

Foreword

ICTU has won improvements to employment and other anti-discrimination legislation to make discrimination against lesbian, gay and bisexual people unlawful. The extent of equality and anti-discrimination legislation demonstrates that there is a growing climate of equality and support for anti-discrimination action. All political parties and the social partners have supported powerful anti-discrimination legislation such as the Employment Equality Acts, 1998-2004.

The Employment Equality Act, 1998 prohibits discrimination against an employee across nine grounds including that of sexual orientation in relation to:

- selection criteria
- recruitment
- terms and conditions of employment
- in-career training and professional development opportunities
- work assignments
- access to promotional posts
- dismissal

The Employment Equality Act, 1998 likewise prohibits:

- Harassment and/or bullying or victimisation on the grounds of sexual orientation in relation to the above matters.

When do the protections deriving from the act, 'kick in' for teachers?

Immediately; there is no qualifying period.

(Named School) will:

- Work to ensure that teachers are treated no less favourably merely because of their sexual orientation.

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- Not permit provisions, criteria or practices which overwhelmingly disadvantage people of a particular sexual orientation, which are of no value to the school, nor a proportionate means of achieving a legitimate aim of the school.
 - Confront harassment – unwanted conduct that violates people’s dignity or creates an intimidating, hostile, demeaning, humiliating or offensive environment.
 - Combat victimisation.
 - Provide equal access to facilities and social events – irrespective of sexual orientation.
 - Provide a reference, as per normal practice, which disregards one’s sexual orientation.

Why is this a Workplace Issue?

ACCS and ASTI believe in equal rights for all employees. ACCS and ASTI is committed to promoting equal treatment and combating all forms of discrimination. This includes acknowledging and representing the interests of their lesbian, gay and bisexual members. Despite being unlawful, discrimination on grounds of sexuality can still happen in the workplace.

Discrimination can lead to isolation, abuse and the victimisation of lesbian, gay and bisexual workers. Schools and the ASTI will negotiate procedures that counteract remaining discrimination and prejudice in all its forms against lesbian, gay and bisexual workers. The objective of such policies and procedures is to create a workplace environment where lesbian women, gay men and bisexual men and women experience equality and are free of harassment or discrimination from colleagues or management.

Why an Agreement for Schools?

It is still a fact that at work lesbians, gays and bisexuals are often afraid of opinions of colleagues. Teachers may be afraid that if their sexuality becomes known they will be isolated at work. Because of these fears and the continuing discrimination many lesbians, gays and bisexuals hide their identities at work.

Promoting Equal Treatment in Schools

Despite being unlawful, discrimination may be still experienced by some lesbian, gay and bisexual teachers. Discrimination means treating workers less favourably because of their sexuality or because other people have prejudices about that sexuality. In the workplace it can be direct, subtle, conscious or unwitting. It can come from

management and also from other members of the workforce. Discrimination against lesbians, gays and bisexuals in the workplace can manifest itself in a wide range of ways including being overlooked for promotion; denied training; denied particular assignment; being called names; being the butt of jokes; innuendo; verbal harassment or sustained unfriendly contact or exclusion. Such behaviour will not be accepted in schools.

The Equal Opportunities Policy

Equal Opportunities policies are now commonplace in both the public and private sectors. An important first step is to ensure that this policy explicitly covers lesbian, gay and bisexual workers. Sometimes even to win a mention for lesbian, gay and bisexual workers in a list of those covered by an equal opportunities policy can be a battle but in the process of arguing for it, discriminatory practices can be identified and dealt with.

Having the explicit inclusion of lesbian, gay and bisexual workers in a policy statement is important. It will help to enhance the culture of equality in the school and will encourage lesbian, gay and bisexual workers to have confidence to raise issues. Its omission or its replacement by a bland general statement has the opposite effect.

Schools should examine the workplace processes and procedures in respect of all aspects of employment including social and family events to establish if any of the provisions discriminate against lesbian, gay and bisexual workers.

Ensuring Equal Treatment for Lesbian Gay and Bisexual Workers

In addition to ensuring against unlawful discrimination in pay, conditions of employment, training and promotion, even if there are no lesbian, gay and bisexual workers “out” in the school, clear policies recognizing the rights of lesbian, gay and bisexual workers can operate as a signal that the school is open to diversity.

Where to go for More Information

If you are experiencing discrimination at work, remember it is against the law and does not have to be suffered in silence. More information may be obtained by contacting ASTI at (01) 6040175 or ACCS at (01) 4601150 as appropriate.

Notes

For further information contact:

Association of Community and Comprehensive Schools

10H Centrepoint Business Park, Oak Drive, Dublin 12

Tel: 01 460 1150 Fax: 01 460 1203

E-mail: office@accs.ie

Website: www.accs.ie