

**Policy name: Employment of People with Disabilities Policy**

**Approved: 25th November 2016**

**Revision 1 approved 10th March 2017**

**Revision 2 approved**

**Revision 3 approved by Trinity Academic Council 13th May 2020**

## **1. Context**

- 1.1 The Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, is an equal opportunities employer and as such is committed to ensuring that its employees, and those seeking employment within it, who have a disability are not placed at any substantial disadvantage compared with a non-disabled person. In particular, the Equality Acts 1998-2015 (the 'Acts') require employers to make reasonable accommodations within the workplace and within their employment arrangements so that persons with a disability have access to employment, may participate or advance in their employment, or may undergo training.

## **2. Purpose**

- 2.1 This policy:
- (i) emphasises that applicants for posts within RIAM must be considered for employment according to their aptitudes, abilities, and qualifications, and that applicants with a disability are not at any substantial disadvantage compared with non-disabled applicants;
  - (ii) provides information within RIAM on the recruitment of those with disabilities;
  - (iii) assists employees who develop a disability during their employment to adapt to the disability and, where reasonable accommodations within premises or employment arrangements can be made, to enable them to continue in post or take alternative employment within RIAM.

## **3. Scope**

- 3.1 This policy applies to all RIAM employees and contract workers.
- 3.2 Under the Acts, an employee is considered disabled if the answer is 'yes' to the following questions, and which is subsequently confirmed by a medical practitioner:
- (i) Does the employee have a physical or mental impairment?
  - (ii) Does that impairment have a negative impact on the employee's ability to carry out normal day-to-day activities?
  - (iii) Is the negative impact substantial?
  - (iv) Is the impact long term (i.e. likely to continue for a year or more)?

## 4. Benefits

- 4.1 This policy ensures that the duties and responsibilities of RIAM and its employees are clear in the case of an employee with a disability.
- 4.2 This policy also ensures that RIAM is a workplace which does not discriminate against employees or prospective employees with a disability.

## 5. Policy

### 5.1 The Working Environment

- 5.1.1 Under the Acts, employers are required to make reasonable accommodations within the workplace and employment arrangements so that a person with a disability is not at any substantial disadvantage compared to a non-disabled person.
- 5.1.2 The requirement applies to contract workers as well as directly employed staff. The implications of the requirement are explained below.
- 5.1.3 Reasonable accommodations
  - (i) A number of factors influence the decision as to whether accommodations are reasonable.
  - (ii) These include the cost of the measures (financial and in terms of the disruption caused), the ease of making the change, and the extent to which the alteration will improve the situation for the employee or job applicant with a disability.
  - (iii) In all cases, the person concerned must be consulted on the reasonable accommodation of his or her needs.
- 5.1.4 Changes to the workplace
  - (i) Reasonable accommodations must be made within the physical features of the workplace, including fixtures and fittings, furniture, and stairways.
  - (ii) These accommodations might, for example, include widening doorways to make possible wheelchair access, altering the lighting for people with restricted vision, allocating a parking space for the car of a person with a disability, and ensuring that there are adequate accessible toilet facilities.
- 5.1.5 Accommodations within employment arrangements
  - (i) The policy applies to all stages of the employment process, including recruitment (see section below), setting of pay and conditions, training, and dismissal.
  - (ii) Reasonable accommodations might include: altering working hours; allowing absences during working hours for rehabilitation, assessment, or treatment; supplying additional training; modifying procedures for testing or assessment.

### 5.2 Health and Safety

- 5.2.1 Employees with disabilities are not necessarily less safe at work than other employees. Special arrangements may, however, be necessary to ensure that a

person's disability does not create any hazard either for the person concerned or for others. Specific First Aid training may be necessary, for example, where an employee suffers from epilepsy.

5.2.2 Absence from work through ill-health is normally no more prevalent among persons with a disability than among employees generally. If a person with a disability is absent from work because of the disability and the amount of time taken off is little more than the acceptable level for staff generally, this does not justify less favourable or discriminatory treatment. If when taking this into account the sickness record of employee with a disability is unsatisfactory, the advice and help of the appropriate authority (see 6.3.3 below) should be sought, but in other respects the person concerned should be treated no differently from other staff. The appropriate authority will contact the Occupational Health Service as necessary.

### 5.3 Treatment of Employees with Disabilities

5.3.1 In order to be properly integrated into the workforce, employees with a disability must be accepted by their colleagues.

5.3.2 Employees with a disability should be asked whether they wish their colleagues to be informed of their disability, and senior and advisory staff should follow their wishes in this respect.

5.3.3 In exceptional cases advice may be sought from the appropriate authority, for example, an Occupational Therapist, the National Rehabilitation Hospital, the individual's consultant or doctor.

5.3.4 Employees with a disability should be given the same training opportunities as others.

5.3.5 If special arrangements are deemed to be necessary, advice should be sought from the appropriate authority.

### 5.4 Assisting employees who develop a disability

5.4.1 Losing the services of employees who develop a disability deprives RIAM of a considerable asset and investment in terms of their skills, experience, and training.

5.4.2 Where reasonable, in accordance with the requirements of the Acts, RIAM should seek to retain staff who develop a disability and to provide suitable employment for them.

5.4.3 Senior and supervisory staff should be aware of the problems that may be experienced by those who develop a disability, and should deal sensitively with them.

5.4.4 Assistance should be sought when considering not only the possible effects of, for example, loss of health, but also consequential disadvantages, such as loss of status, financial loss, or reduced self-esteem.

### 5.5 Options for employees who develop a disability

5.5.1 There are a number of possible options to consider when employees develop a disability during the course of their employment. Any action taken should be in

accordance with the appropriate procedures, as prescribed by the rules governing employment by RIAM, and the relevant national legislation.

5.5.2 When an employee develops a disability, the Occupational Health Service should be involved at an early stage to determine the likely prognosis of the illness or disability, to monitor progress, and, in consultation with the appropriate authority, to advise on duties which may be suitable within RIAM and on any special assistance or requirements.

5.5.3 Arrangements must also be made for an assessment to indicate whether the person could continue in the same or a similar post, what type of job might be suitable if continuing in the same post is not possible, and what assistance may be necessary to enable the person to continue in the same job or to undertake a new one (eg. equipment or special aids).

## 5.6 Harassment

5.6.1 Harassment of an employee with a disability on account of that disability is unacceptable behaviour and unlawful under the terms of the Acts.

5.6.2 Such matters are dealt with by recourse to RIAM's Dignity and Respect Policy.

## 6. Procedures

### 6.1 Recruitment

6.1.1 Application and selection procedures used in the recruitment and selection of staff must not exclude or discourage those with disabilities.

6.1.2 Job descriptions and advertisements must not discourage such persons from applying. Advertisements must state that the RIAM is committed to a policy of equal opportunities in employment.

6.1.3 At interview, any reasonable accommodation must be made that is needed to ensure that a person with a disability is not at a substantial disadvantage compared with other applicants.

6.1.4 This might include *inter alia* ensuring that the interview room is accessible to wheelchairs, or by providing a sign-language interpreter.

6.1.5 Those concerned with recruitment to RIAM should assess what applicants with a disability able to do to meet the requirements of the post, should not make the assumption that people with a disability are likely to cause problems, and should assess job and career prospects flexibly, bearing in mind that those with disabilities may need to carry out their work in a way different from other people.

6.1.6 However, it should be recognised that for those with certain disabilities there may be formal constraints on access to employment in specific occupations, where no reasonable accommodations can be made to facilitate their employment.

6.1.7 Decisions on appointments should be based on the merit and suitability of the applicants and the needs and requirements of RIAM.

6.1.8 All applicants should be assessed on their abilities, experience, and likely commitment, according to objective criteria concerning the qualities needed to undertake the duties of the post.

6.1.9 Before an offer of employment is confirmed and in accordance with RIAM policy for all prospective employees, any person with a disability must undergo pre-employment health screening, which will include an assessment of what reasonable accommodations may be needed within the workplace or the work environment.

## 6.2 Procedure to be followed by employees who develop a disability

6.2.1 Employees who develop a disability while in employment should inform the RIAM Director at the earliest opportunity.

6.2.2 The Director may already be aware of a potential disability if the employee has had a period of sick leave, but it is not always the case that onset of a disability or disabling condition is preceded by a period of sick leave.

6.2.3 Both the employee and the Director should seek advice from the appropriate authority and should always inform the Occupational Health Service.

6.2.4 These are necessary preliminaries to making the reasonable accommodations within the workplace and working environment required under Acts and to ensuring that all the steps outlined in this policy may be undertaken.

## 6.3 Procedure for redeployment of staff who develop a disability

6.3.1 Wherever feasible and appropriate, a trial period of suitable length should be given to assess whether the employee is able to cope with the current job or an alternative position, as appropriate.

6.3.2 Consideration should be given to a gradual return to full-time work or to a permanent reduction in hours where this is judged to be desirable and possible.

6.3.3 It may be advisable for the employee to make a gradual increase in the hours worked until confidence and ability are fully restored.

6.3.4 In such circumstances, a medical statement prepared by the Occupational Health Service, in consultation with the employee's general practitioner, should be provided and which specifies the number of hours for which the employee is fit to work.

## 7. Responsibility

7.1 The RIAM Secretary is responsible for overseeing this policy and its operational procedures.

## 8. Legislation and Regulation

8.1 [Employment Equality Acts 1998–2015](#).

8.2 [Safety, Health and Welfare at Work Act 2005](#).

8.3 [Disability Act 2005](#).

8.4 [Qualifications and Quality Assurance \(Education and Training\) Act 2012](#).

- 8.5 [Standards and Guidelines for Quality Assurance in the European Higher Education Area \(2005\).](#)
- 8.6 [Code of Practice for Provision of Education and Training to International Learners \(2015\).](#)
- 8.7 [National Framework of Qualifications \(NFQ\).](#)

## **9. Related Documents**

- 9.1 [Trinity Employment of People with Disabilities Policy.](#)

## **10. Document Control**

Approved by Board of Studies 25th November 2016.

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Next review: Academic year 2020/21.