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Disability at Work

View from the Chair, Business News Letter, by Bob Collins, Chief Commissioner, The Equality Commission of Northern Ireland.

When business people think about equality laws their first focus is often to consider whether they are treating everyone the same. In many cases, that can be a good starting point, but treating people fairly is not always achieved by treating them exactly the same. It is a distinction particularly relevant in the case of disability legislation.

Disability is something which reaches into every community and sector of Northern Ireland. Survey data consistently show that 18% of the Northern Ireland population face limitations in their daily living as a consequence of a disability or a long term health condition. Research also found that almost 2 in every 5 households include at least one person with a limiting disability. So this is an issue which can impact on all of us; and it must be of direct concern to everyone conducting business with the public and employing staff.

The Disability Discrimination Act has unique aspects, including a requirement for businesses to make reasonable adjustments so that disabled people can work for them and access their services. Reasonable adjustments for employees can take many forms. They can include arrangements such as altering working hours, or permitting absences for medical treatment; and can also extend to modifying premises or providing specialist equipment which a disabled person can use.

Key to this, of course, is what is meant by “reasonable”. There are a number of questions which can be relevant to this. How effective are the adjustments going to be in preventing the disadvantage to the disabled person? How practical is it to make the adjustment, and to what extent are the financial and other costs to the employer capable of being met, given the size of the business and the resources available?

All of these things will depend on the facts of each particular case. What employers should not do is to rely on assumptions. Too often, it is thought that because a person has a disability, their capacity fully to contribute as an employee will be limited. Similarly, it may often be thought that making changes to premises – of whatever type - is not warranted. This is where it is necessary to know what employees need, to think about those who use the services provided

and to make the adjustments that the law requires. Sometimes the only adjustment needed is in established ways of thinking.

Northern Ireland is not alone in having laws that enable people with disabilities to participate more fully in all aspects of community life. But it has been a growing source of concern for the Commission that our legislation offers less protection than is available in other parts of the United Kingdom. This is a gap that is growing. That is not good for those with disabilities and neither is it good for business. Not to have the fullest engagement of all who have a disability is to risk not being able to draw on the widest range of people whether as employees or as customers.

The Equality Commission will continue to press for early amendments to the law to bring us in to line with what obtains in Great Britain and to meet the requirements of European law. We will also continue to work with businesses – large and small – to help them understand the requirements of the law and to comply with it. We have guides and codes of practice and can be contacted directly on our advice line 028 90890890.