

12/02/2013

ARTICLE

Managing disability in the workplace

View from the Chair, as published in the News Letter, Tues 12 Feb 2013

Michael Wardlow, Chief Commissioner, Equality Commission NI

It is clear that in this time of austerity and increasing financial pressures, the need to maintain an effective process to manage sickness absence has become a priority for employers, in both the public and the private sectors.

Staff in the Equality Commission who are in daily contact with employers are well aware of the concerns many businesses have about maintaining that balance between meeting their responsibilities under equality legislation and implementing an effective absence management policy with consistency.

I heard about this tension first-hand just recently at an event hosted by ourselves and Employers for Disability and attended by a range of employers from across Northern Ireland. It was clear that getting this balance right was a key priority for them.

I am mindful that these are not simple issues as they involve the capabilities and health of each employee and need to be carefully considered on an individual basis.

The Disability Discrimination Act requires employers to make 'reasonable adjustments' to any of their provisions, criteria or practices for a disabled person, and that would include any absence management policy.

This is an area where many decisions involve the application of common sense. For example, employers should ensure that absences directly consequent on a person's disability are recorded clearly as such. Again it makes sense to ensure that employers

give full consideration to the degree to which a person's disability has impacted on their absence record when making decisions on any absence-related disciplinary procedures.

Similar distinctions need to be made clear when considering matters such as performance appraisals, references and selection criteria for promotion or redundancy.

Let me be clear, this process should not be just about ensuring adherence to the law, vitally important as that is to any business. It should also be about ensuring that taking a narrow view of absence does not miss the potential contribution that a particular individual can make to that business.

When I listen to employers who are committed to best practice by going beyond compliance, it is clear that they have this clarity of vision and so reap the rewards that a diverse workforce brings.

Sadly, however, such a mature view does not exist in every workplace. Over the last number of years the Commission has seen a consistently high level of enquiries from disabled people who are encountering difficulties at work.

About one third of those calls relate to what was seen as a failure to make the 'reasonable adjustments' necessary to enable disabled people to stay in employment.

The second most frequent reason for contacting the Commission relates to sickness absence policy. In this area, disabled people often talked about an overly rigid application of policies which did not seem to take into account the special circumstances they faced due to their disability.

It is these personal stories which carry with them both power and passion, as many of these people are fighting to remain in work with a determination that both inspires me and reminds me of the importance they place on remaining in work despite the many challenges they face.

When dealing with disabled employees, it is crucial for employers to realize that each must be considered as an individual and remember that employers must be prepared to consider their situation separately and with the flexibility necessary to meet their particular needs.

Accordingly, there is no place for a “one size fits all” approach to be applied which disregards the nature of the disability, the personal circumstances of the employee, or the work context involved.

The Equality Commission provides direct advice to employers and offers free training on managing disability in the workplace. We can also help organizations revise existing employment policies including those covering sick absence to include the requirements of the DDA.