

‘View from the Chair’ article published in the Business Newsletter, 31 July 2018 by Dr Michael Wardlow, Chief Commissioner, Equality Commission NI

Ensuring equality for disabled people by making reasonable adjustments

Equality, as a concept, is a much misunderstood area of public discourse. So I regularly hear it being described as “one for them and one for us”, “everyone being treated the same” or, at its core, “it’s about fairness isn’t it?” The truth none of these widely held views truly captures the essence of equality of treatment or equality of opportunity, both areas covered by our local legislation.

Let’s take the last two observations by way of examples. People aren’t all treated in the same manner and equality of opportunity isn’t always delivered in a way that everyone feels to be fair. Before you respond in righteous anger, let me explain my points by way of a few practical real life examples which were recently brought to our attention here in the Equality Commission.

If you are disabled and have difficulty standing, offering you a standing terrace ticket doesn’t give you equal access to a football match. If you live with diabetes and always carry a bottle of Lucozade in case your blood sugar drops, then confiscating the bottle at the gate is not giving you equal access to a rock concert. If you have a learning disability and need extra time for some things, then refusing extra funding is not giving you an equal opportunity to complete an education course.

All of these situations could have been avoided with a little foresight, had the agencies involved been prepared to make a “reasonable adjustment” to their policies or rules to allow for the particular circumstances of the person who wanted to access their service.

The security company, for example, could have provided their own bottle of Lucozade to the concert goer on the other side of the gate. The education authorities could have adjusted their rules to fund an extra period of time for the student’s course. The sporting authority actually did adjust their ticketing arrangements and provided the football fan with a seated ticket - and thereby avoided the legal difficulties encountered by the others. The point is a simple one. Making a reasonable adjustment for a person with disability is not just good practice – it is also a legal requirement under the Disability Discrimination Act.

The duty to make reasonable adjustments applies to employment arrangements as well as to service provision. These can involve physical adjustments in the workplace, such as modifying desks, telephones, or keyboards to make them easier for people with disabilities to use. It might mean allowing time off for staff for rehabilitation or treatment; or making flexible working arrangements for them to accommodate their particular needs. In short, it is trying to remove any unnecessary

barriers which prevent people with disabilities from doing their jobs well. It's not about "fixing people", it's rather about modifying the way business is done.

The end goal is that by making reasonable adjustments to normal practices, employers will enable people with disabilities to gain employment opportunities, or stay in their existing employment. That can be of enormous benefit to the people concerned. Holding down a job can give a person independence - being denied that opportunity can add to a sense of exclusion as well as being a serious burden for them financially.

Business people, whether as employers or as service providers, should look at any particular needs their employees and their potential customers might have, and consider if there are any reasonable adjustments which they can make to meet them. By doing that, they will meet their legal responsibilities – and make a major difference to the lives of people with disabilities.