



# **Policy on the Employment of People with Disabilities**

## Table of Contents

|      |   |    |
|------|---|----|
| 1    | Introduction .....  | 3  |
| 2    | Scope.....  | 3  |
| 3    | Legislative Framework and Definitions.....                    | 4  |
| 3.1  | Employment Equality Acts 1998-2015.....                       | 4  |
| 3.2  | Disability Act 2005 .....                                     | 4  |
| 3.3  | The Irish Human Rights and Equality Commission Act 2014 ..... | 4  |
| 4    | Principles.....   | 5  |
| 4.1  | Reasonable Accommodation .....                                | 5  |
| 4.2  | Reasonable Accommodation Request Form.....                    | 5  |
| 4.3  | Workplace Needs Assessment.....                               | 6  |
| 4.4  | Data Collection, Confidentiality & Privacy .....              | 6  |
| 4.5  | Recruitment .....   | 7  |
| 4.6  | During Employment .....                                       | 7  |
| 5    | Disclosure of a Disability .....                              | 8  |
| 6    | Process for providing Reasonable Accommodations.....          | 8  |
| 7    | Returning to Work after acquiring a Disability/Illness.....   | 9  |
| 8    | Recruitment, Selection and Promotion .....                    | 10 |
| 9    | Medical Evidence of Disability .....                          | 10 |
| 10   | Additional Information.....                                   | 10 |
| 10.1 | Designated Parking Spaces .....                               | 10 |
| 10.2 | Events & Training .....                                       | 10 |
| 10.3 | Assistive Animals.....  | 11 |
| 11   | Roles and Responsibilities.....                               | 11 |
| 12   | Non-compliance with Policy .....                              | 12 |

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| The Reasonable Accommodation Request Form               | TBC   |
| Maynooth University Data Protection Policy              | <a href="https://www.maynoothuniversity.ie/data-protection/data-protection-policy">https://www.maynoothuniversity.ie/data-protection/data-protection-policy</a>                         |
| Maynooth University Equality and Diversity Policy       | <a href="https://www.maynoothuniversity.ie/human-resources/policies/statement-policy-equality">https://www.maynoothuniversity.ie/human-resources/policies/statement-policy-equality</a> |
| Maynooth University Sick Leave Policy                   | <a href="https://www.maynoothuniversity.ie/human-resources/policies/sick-leave-policy">https://www.maynoothuniversity.ie/human-resources/policies/sick-leave-policy</a>                 |
| Wellbeing Supports                                      | <a href="https://www.maynoothuniversity.ie/human-resources/employee-wellbeing">https://www.maynoothuniversity.ie/human-resources/employee-wellbeing</a>                                 |
| Pension and Voluntary Income Protection Information     | <a href="https://www.maynoothuniversity.ie/human-resources/pension-information">https://www.maynoothuniversity.ie/human-resources/pension-information</a>                               |

## 1 Introduction

Maynooth University is committed to being a University community that promotes and advances equality, respects and values diversity, and develops a collegiate environment of excellence with equality, in which the human rights, the responsibilities and diversity of all students and employees are recognised and respected.

The University values the enrichment that comes from a diverse community of students and employees and seeks to promote equality and prevent discrimination in the access, experience, progression and achievement of all students and employees through developing and implementing clear policies, processes and practices providing effective support to help realise equality in student experience and in employment.

This policy on the Employment of People with Disabilities at Maynooth University (MU) is presented under the University's strategic commitment to Equality, Diversity, Inclusion and Inter-Culturalism as a further development of the Equality and Diversity Policy. The purpose of this policy is to provide a clear statement in relation to the employment of people with disabilities. This policy will be supported by Disability in the Workplace Guidelines, which contains guidance for Heads of Department and employees – [available here](#).

## 2 Scope

This policy applies to all current, future and potential employees of MU. Supports and practices pertaining to students with disabilities are governed through the Maynooth University Access Office; supports and practices pertaining to employees are governed by Human Resources.

### **3 Legislative Framework and Definitions**

#### **3.1 Employment Equality Acts 1998-2015**

Within Irish Equality Legislation, disability is broadly defined to include people with physical, intellectual, learning, cognitive or emotional disabilities as well as a range of medical conditions.

As outlined in the Employment Equality Act 2015, disability is:

- the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body;
- the presence in the body of organisms causing, or likely to cause, chronic disease or illness;
- the malfunction, malformation or disfigurement of a part of a person's body;
- a condition or malfunction which results in a person learning differently from a person without the condition or malfunction; or
- a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour.

Section 16 (3) of the Employment Equality Act 2015 provides that:

- For the purposes of this Act, a person who has a disability shall not be regarded as anything other than fully competent to undertake, and fully capable of undertaking, any duties if, with the assistance of special treatment or facilities, such person would be fully competent to undertake, and be fully capable of undertaking, those duties.
- An employer shall do all that is reasonable to accommodate the needs of a person who has a disability by providing special treatment or facilities to which paragraph (a) relates.
- A refusal or failure to provide for special treatment or facilities to which paragraph (a) relates shall not be deemed reasonable unless such provision would give rise to a cost, other than a nominal cost, to the employer.

In addition to this broad, legislated definition of disability, MU acknowledges the equal rights of people with hidden disabilities, and also that the same disability can vary in its impact and affect people differently.

#### **3.2 Disability Act 2005**

The Disability Act 2005 places a statutory obligation on public service providers to support access to services and facilities for people with disabilities. As an identified Public Sector Employer, MU holds a responsibility to ensure it meets public sector targets to employ people with disabilities as laid out within the Act. Compliance with this target is monitored regularly with annual reporting.

#### **3.3 The Irish Human Rights and Equality Commission Act 2014**

Section 42 of the Irish Human Rights and Equality Act 2014 has established a positive duty on public sector bodies to:

- eliminate discrimination;
- promote equality of opportunity and treatment; and
- protect human rights.

This means that MU has a responsibility to promote equality, prevent discrimination and protect the human rights of its employees, students, customers, service users and everyone affected by its policies and plans. This is a legal obligation, called the Public Sector Equality and Human Rights Duty.

## 4 Principles

### 4.1 Reasonable Accommodation

MU is committed to supporting our employees to be successful and effective in their roles. Whilst most employees with disabilities can operate effectively without requiring modifications to their working environment, adapted facilities may be required by some.

MU will endeavour to ensure that, insofar as is practicable, the working environment is optimised to minimise potential problems which employees with disabilities may face. MU will endeavour to meet these needs whenever reasonably possible, both where the accommodation enables the employee to fulfil an essential task and where it enhances the comfort, efficiency and job satisfaction of the employee.

By recognising that the abilities of a person with a disability include the abilities facilitated by assistive devices, accommodations and the provisions of the terms of the Employment Equality Act 1998, the University will put in place 'reasonable accommodations', and ensure equal participation in the workforce for employees with disabilities.

MU acknowledges that various environmental factors of the premises, preservation restrictions and financial considerations may limit the alterations that can be made to certain physical environments which pose potential barriers to people with disabilities. However, the University is committed to considering what alternations might reasonably be carried out to existing premises in order to improve accessibility in a timely manner and aims to remove potential barriers progressively. Where certain workplace environments are subject to preservation orders, relocating the employee to an alternative suitable location on campus may also be explored as part of the reasonable accommodation process.

Accommodations will be by request of the employee concerned, at any stage during their employment at the University, and they will be fully included in discussions on appropriate accommodation<sup>1</sup>. Should an employee wish to discuss their situation prior to submitting a reasonable accommodation request, they can confidentially discuss the issue with their Head of Department or with the [Office of the Vice President for Equality & Diversity](#).

In addition to reasonable accommodations provided under this policy, in accordance with commitments made in the Equality and Diversity policy, the University will identify opportunities for positive action to ensure equality of participation for underrepresented groups in university activities.

Victimisation of an employee with a disability due to their request for an accommodation by any member of the University Community will not be tolerated and will likely be subject to disciplinary action and/or other University policies.

### 4.2 Reasonable Accommodation Request Form

To support employees with disabilities in making a formal request for a reasonable accommodation, a user-friendly form has been developed (see section 6 for the process for providing reasonable accommodations).

The Reasonable Accommodation Request Form consists of three simple sections:

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<sup>1</sup> Section 4.4 details the data collection, confidentiality & privacy processes around reasonable accommodations.

**Section 1:** Reasonable Accommodation - Confirmation that the employee would like to request a reasonable accommodation related to their disability.

**Section 2:** Declaration of disability - Confirmation that they are disclosing their disability.

**Section 3:** Consent to Share - Identification of those individuals or departments with whom this information can be shared (consent to share).

The Reasonable Accommodation Request Form can be found [online here](#). Alternatively, an employee can request a copy of the form and/or guidance on completing the form from [equality@mu.ie](mailto:equality@mu.ie).

Once the Reasonable Accommodation Request Form has been submitted, the [Office of the Vice President for Equality & Diversity](#) will determine if a Workplace Needs Assessment is required and may liaise with other Departments in the University, such as Human Resources and the Health and Safety Office to determine this. Once the need for a reasonable accommodation has been established and approved, the employee's Head of Department will be informed of the reasonable accommodation, but not details of the disability itself, where this is deemed appropriate. Implementation of the reasonable accommodation will be jointly managed by the Head of Department supported by the [Office of the Vice President for Equality & Diversity](#) and other relevant Departments as required (e.g. Human Resources, Campus Services, Health and Safety).

#### **4.3 Workplace Needs Assessment**

This is a systematic procedure to collect all the relevant information which will then enable the University to provide employees with the accommodations/supports that they require in order to undertake a job safely. A Needs Assessment is confidential, and all information collected comes under the Data Protection Act 2018 and Maynooth University Data Protection Policy, which can be found at <https://www.maynoothuniversity.ie/data-protection/data-protection-policy>

If required, there may be a need for consultation with the individual's specialist or organisations specialising in their disability. This should be done in consultation and with the permission of the employee.

MU will do everything that is reasonably possible to accommodate employees' needs. If it is not possible to fully meet the initial accommodation request, the University will strive to work with the employee to identify whether an alternative option may be feasible. This process will be done in collaboration with the employee's Head of Department and the employee. The [Office of the Vice President for Equality & Diversity](#) will provide guidance and support to the employee and the Head of Department throughout this process.

#### **4.4 Data Collection, Confidentiality & Privacy**

An employee does not have a legal obligation to disclose their disability unless their disability presents a health and safety risk in the workplace, as they have a duty of care to themselves and to others.<sup>2</sup>

Under Irish employment legislation, Maynooth University is required to keep employees' disability and medical information confidential. It is also necessary for the University to collect information for the purposes of monitoring equality and diversity, and for reporting under the Disability Act 2005.

Maynooth University will not hold any personal data for longer than is strictly necessary. Where personal data, including special categories of personal data, is gathered by the Office of the

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<sup>2</sup> See Section 5 for more details on the disclosure of a disability.

Vice President for Equality & Diversity in the performance of its role under this Policy, the University's Data Protection Policy and Staff Data Privacy Notice shall be complied with.

In accordance with the University's existing policies and relevant legislation, each employee has the right to have their data protected, used in a fair and legal way, and made available to them when they ask for a copy. More information in relation these processes can be found on the Data Protection Commission website.

The health, safety and welfare of employees in Maynooth University is a priority. As such, if a Head of Department has a good reason to believe that there is a risk to the safety of an employee, or another person, the Head of Department has a duty of care to disclose this.<sup>3</sup> A Head of Department should contact the Office of the Vice President for Equality & Diversity who will provide guidance on the next steps. In such instances, the HOD should seek guidance from the Office of the Vice President for Equality & Diversity prior to taking any steps.

Where the Office of the Vice President for Equality & Diversity processes personal data in the performance of their role under this Policy, that office shall ensure that the data is handled in a manner which is consistent with the University's policies and relevant legislation. Once the Office of the Vice President for Equality & Diversity no longer requires access to the personal data gathered, that office will transfer the data to Human Resources who will manage same in accordance with the University's policies and relevant legislation.

#### **4.5 Recruitment**

Maynooth University is an equal opportunities employer. Candidates may be invited to disclose a disability at the time of application to ensure adequate measures are in place to enable full participation in the recruitment process. Anonymised statistical data pertaining to applicants with disabilities may also be used for reporting requirements.

Any information disclosed as part of the recruitment process will not be linked to an employee's personnel file and will not be available to any person on the selection panel, unless absolutely necessary, for example, where a reasonable accommodation is required as part of the interview process. In such instances, the candidate will be informed and asked to provide their permission for the information to be shared.

A candidate, who discloses a disability during the interview process, will not be discriminated against based on this. Any application for a reasonable accommodation from applicants who have disabilities will occur separately to the assessment for the role and the selection board will not be involved in this process. This ensures that a candidate with a disability is on an equal footing with all other candidates. All candidates will be assessed on the same criteria, using a clear job description which identifies the core skills and competencies of the job. A needs assessment is not a part of the recruitment process and will only be implemented after the offer of a job has been accepted and where the person discloses that they have a disability and would like to request a reasonable accommodation.

#### **4.6 During Employment**

Employees may voluntarily disclose their disability, both pre-existing or acquired during their period of employment to their Head of Department, Human Resources or the Office of the Vice President for Equality & Diversity in order to arrange suitable adjustments or reasonable accommodations.

Information relating to a disability, given in confidence, will not be disclosed to anyone, without written consent, unless health and safety or legal concerns make it necessary to do so. At all

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<sup>3</sup> If there is an immediate risk to the health and/or safety of any person, the Head of Department should contact the Health and Safety Office.

times, the principles of data minimisation and the University's Data Protections Policies shall apply.

Information obtained through medical reports or assessments will be maintained confidentially by the Human Resources Department.

The University reserves the right to disclose necessary elements of this information when legally entitled or obliged to do so, and to the following extent:

- to Heads of Department regarding adjustments required in the employee's duties or employment conditions;
- to Health and Safety personnel where a personal emergency and evacuation plan is required; and/or
- to Government officials investigating compliance with the Employment Equality Act 1998 and Disability Act 2005.

## **5 Disclosure of a Disability**

In the context of disability in the workplace, disclosure is the decision of an employee to inform their manager or employer that they have a disability.

A person with a disability has no obligation to disclose if:

- there is no impact on their job or the work environment;
- they do not require any accommodations to the workplace; or
- they do not require any changes to the organisation of work or any assistance.

A person with a disability has a legal obligation to disclose, only if:

- their disability presents a health and safety risk in the workplace, as they have a duty of care to themselves and to others.

Disclosure is welcomed by MU as this ensures that, if needed, the appropriate supports and accommodations can be put in place to enable a person with a disability to participate fully and equally in the University. In cases where a person's disability is impacting their job or work environment, disclosure is encouraged to enable any performance issues to be addressed in this context.

Information obtained during the process of the disclosure will be maintained and used in accordance with the General Data Protection Act 2018 and Maynooth University's Data Protection Policy, which can be found at the following link: [www.maynoothuniversity.ie/data-protection](http://www.maynoothuniversity.ie/data-protection).

In cases where an employee has not informed the University of their disability then the University is not deemed to know, therefore is not liable if reasonable accommodations are not provided.

## **6 Process for providing Reasonable Accommodations**

If an employee discloses a disability, a Head of Department should first speak with the employee. In all instances, the Head of Department should request that the employee completes the Reasonable Accommodation Request Form.<sup>4</sup> Once the form is completed, a

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<sup>4</sup> If the Head of Department or Employee require clarification on the process at this stage, they should contact the Office of the Vice President for Equality & Diversity for guidance.



copy should be submitted to the Office of the Vice President for Equality & Diversity who will then organise for a Workplace Needs Assessment to be carried out if required.

There may be reasons why a Workplace Needs Assessment is not required:

- the necessary adjustments are minimal and easily accommodated without impacting conditions of employment or core functions of the role;
- the nature of the accommodations are not physical and do not require an assessment of the workspace or environment; and/or
- the employee has moved from another area of work and any assistive technology, which is still relevant, can be transferred to the new position.

If the employee is not aware of the range of accommodations available, they may benefit from a Workplace Needs Assessment to confirm all supports available.

Once the Workplace Needs Assessment is completed, the employee, along with their Head of Department, the Equality Officer, and any other relevant party, for example, Human Resources, will meet to discuss what reasonable accommodations may be put in place. Timelines for same will also be discussed at this meeting.

In most cases, the University and Head of Department will be able to accommodate the required adjustments to support an employee with a disability. However, all accommodations must be reasonable and not disproportionate.

## **7 Returning to Work after acquiring a Disability/Illness**

Injuries and illnesses can impact anyone at any time during their working life. For an individual who has acquired a disability, retaining their role can be vital both for economic reasons and as a source of stability at a time when much has changed for them. Moreover, the University is committed to investing in and supporting our employees to ensure they are successful and effective in their roles. Losing trained, knowledgeable, competent and experienced employees at any stage represents a significant cost to the University and its Community. It is therefore a key aim of the University to support individuals to return to work as soon as is appropriate for them and as safely as possible.

MU will be proactive in supporting and managing an employee's return to work should they acquire a disability. The employee will be involved in each stage of the process which will be tailored to the employee and their requirements.

If a person acquires a disability or their disability deteriorates or becomes progressive while working for MU every effort will be made to support them and assist them in returning to their job through the provision of reasonable accommodation.

If any of these circumstances occur, the University is legally required to:

- consider any reasonable accommodations that would resolve the issue; and/or
- implement any accommodations within a reasonable time frame.

A Head of Department may need to provide additional support when an employee acquires a disability, or if a disability deteriorates during the course of their employment. Additional support will also be considered when an employee has a disability that is stable but the nature of their employment changes (for example if they are relocated or if duties change).

## **8 Recruitment, Selection and Promotion**

The University will ensure transparent recruitment, selection and promotion procedures and will not discriminate directly or indirectly against any applicants with disabilities. This extends to internal or lateral career transitions. People with disabilities are entitled to apply for any post across the University and to have their applications considered on the basis of their abilities, experience, qualifications and the requirements of the work in question.

Candidates will be selected on the basis of merit and ability, consistent with the operational requirements of the role. However, the University reserves the right to identify the opportunity for positive action as outlined in the [Employment Equality Act 1998, Part IV Section 33](#).

The advertising of posts and information provided to applicants will be monitored to prevent discriminatory content and materials will be provided in alternative formats by request.

Members of interview boards will be familiarised with the University's responsibilities as an equal opportunities employer and will undertake training in Equality and Diversity, including Bias Awareness as part of the Recruitment and Selection training.

Employees with disabilities will not be subject to any form of discrimination including exclusion from career progression opportunities within the University. As such, employees with disabilities will not be excluded from promotion schemes or opportunities on the sole basis that their disability may prevent them from carrying out the full range of duties in the higher grade.

## **9 Medical Evidence of Disability**

It may be necessary for an appointment to be made for an employee with a disability, with the Occupational Health Provider. If this is required, the Office of the Vice President for Equality and Diversity will arrange this in consultation with the employee. In such instances, the Occupational Health Provider Report will be shared with the employee upon receipt of same.

## **10 Additional Information**

### **10.1 Designated Parking Spaces**

Holders of E.U. disabled parking permits (Blue Badge) issued on behalf of the Department of Transport by the Disabled Drivers Association are entitled to use the designated spaces. The Disabled Drivers Association determines the eligibility of all long-term disabled parking permits.

In exceptional circumstances, individuals who do not possess such a disability parking permit, but who need to utilise a reserved parking space for reasons of temporary disability, may request a temporary permit via the Office of the Vice President of Equality and Diversity.

### **10.2 Events & Training**

Employees with disabilities will have the same opportunities as those without disabilities to develop full and rewarding careers at MU. The University will provide equal access to training and development opportunities for employees with disabilities so that they can further their skills and contribute to the University to the fullest of their potential.

All events run in MU will be accessible to all employees who wish to attend wherever reasonably possible. It is suggested that any promotional and advertising material carry an invitation to participants to request accommodations or identify their needs well in advance of the event, to enable their needs to be met.

### **10.3 Assistive Animals**

Assistive animals will be permitted to accompany an employee with a disability anywhere on the University campus where it is safe for them to do so, and where the animal and handler meet the following requirements:

- animals must be licensed in accordance with legal requirements and must receive appropriate routine vaccinations;
- animals must be in good health;
- animals must be on a leash or appropriate restraint at all times;
- the handler must be in full control of the animal at all times; and
- the animal must be in use as a service animal to assist a person with a disability when in areas of the campus where animals are not otherwise allowed.

For an animal to be recognised as an assistive animal, it must be accredited by an organisation registered with either:

- Assistance Dogs International; or
- International Guide Dog Federation

The University does not permit employees to have Emotional Support Animals / Comfort Animals on campus.

## **11 Roles and Responsibilities**

**The Office of the Vice President for Equality and Diversity is responsible for:**

- undertaking the role of Disability Liaison Person (role currently held by the Equality Officer) and acting as key contact for all employees with a disability;
- supporting all members of the University Community and offer guidance on all aspects of this policy;
- co-ordinating referrals of employees to the Occupational Health Provider;
- sourcing and procuring assistive technology through the centralised reasonable accommodation budget;
- providing training at new staff inductions and Heads of Department training;
- updating this policy to reflect legislative changes and existing best practice.

**Human Resources is responsible for:**

- taking all reasonable steps to eliminate discriminatory practices or opportunity for discriminatory practices to exist which may impact on current, future and prospective employees from Human Resources policies and processes;
- making necessary adjustment and accommodations to ensure all candidates are able to participate in every stage of the recruitment process; and
- ensuring that Heads of Department, Recruitment and Selection Panel Chairs and Panel Members are trained in their responsibilities regarding current, future and prospective employees.

**Heads of Department are responsible for:**

- ensuring that they are personally informed about their responsibilities with respect for human rights, equality and diversity in line with this policy;

- supporting employees who disclose a disability/disabilities and to provide necessary supports and associated adjustments;
- maintaining confidentiality regarding disclosure of a disability;
- including equality and diversity issues in the Departmental/Service plans and performance review of their part in the University;
- ensuring that all employees are cognisant of their responsibilities with regard to respect for human rights, equality and diversity in line with this policy, providing support and direction when needed; and
- dealing quickly and effectively with the disclosure of a disability from a member of their Department.

**MU Safety Office and Campus Services are responsible for:**

- Providing relevant safety and local building systems information required for the preparation of a personal emergency evacuation plan (PEEP) if required;
- supporting HOD and employees who disclose a disability/disabilities requiring physical modifications to the work place through the Office of the Vice President for Equality and Diversity; and
- maintaining confidentiality where a disclosure of a disability has taken place.

**Each Employee is responsible for:**

- creating an inclusive and welcoming atmosphere for all colleagues where disability can be discussed without stigma or negative attitudes;
- making sure their own behaviour is appropriate in face-to-face and digital interactions;
- upholding a standard of behaviour which respects human rights and the principles of equality, diversity and inclusion; and
- contributing to the University's overall performance on equality, diversity, and inclusion.

## **12 Non-compliance with Policy**

The [Office of the Vice President for Equality & Diversity](#) should be contacted where compliance with this policy may be at issue.

In some instances, a breach of this policy may be treated as a disciplinary matter. For example, where discrimination has taken place, or where an employee fails to disclose a disability in breach of their duty of care to themselves or others. Such instances will be dealt with on a case-by-case basis with due regard for the circumstances.