



If you require this guide in an alternative format (for example Braille, large print, or e-text) please contact the Office of the Vice President for Equality & Diversity

## Staff Guide to Disability in the Workplace

Code: QA155

Date: 28 June 2019

### Contents

Introduction .....	2
What is disability? .....	3
What is disclosure? .....	3
Disclosing a Disability .....	4
QUICK GUIDE: Disclosure Conversations .....	7
Staff Members & Line Managers - Responsibilities & Rights.....	8
Reasonable Accommodation .....	9
QUICK GUIDE: Requesting Reasonable Accommodation .....	10
Workplace Needs Assessment .....	12
Returning to Work after acquiring a disability/illness .....	13
Conclusion.....	13
Appendix 1: Legal Definitions of Disability .....	14
The Employment Equality Acts 1998 – 2015 .....	14
Reasonable Accommodation – Legal Requirements .....	15
The Equal Status Acts 2000-2018.....	16
The Safety, Health and Welfare at Work Act 2005 (Section 8 & 10) .....	16
Appendix 2: Reasonable Accommodation Request Form .....	17

## Introduction

NUI Galway is committed to providing an accessible and welcoming working environment for all of our staff members. The university seeks to create a workplace which provides the necessary support for our diverse range of employees to reach their full potential.

This guide has been produced to support all staff who have a disability or acquire a disability while working in the university in order that they can remain in the workplace and access any adjustments or accommodations they may need.

### Simple Steps for Success

Whether you had an existing disability when you joined the University, or you acquire a disability over the course of your working life, in most cases you will be capable of continuing to work and add value to your team, provided some simple steps are taken.

Often the steps needed to be taken by you and/or the university in order to stay in work are very simple, do not take a lot of effort, and may cost very little. The university recognises the significant benefit that retaining you as an experienced, knowledgeable and skilled staff member represents.

In some cases, in order for the university to provide the relevant and appropriate supports for you, you will need to disclose that you have a disability. Please remember any information you disclose is completely private and confidential and will not be shared without your explicit written consent.

It is important that you utilise the policies and systems that will guide you in disclosing your disability and requesting accommodations. Your line manager will play a key role in providing and delivering these practical supports required by you.

### What you will find in this guide

This guide will make it easier for you to manage your disability in the workplace by:

1. Providing you with a process for requesting the provision of reasonable accommodations. Ensuring that you know what to say and do when requesting an accommodation related to your disability.
2. Highlighting the relevant legislation which impacts on you as a staff member with a disability.
3. Answering some common questions related to the disclosure of a disability.

Please take time to familiarise yourself with this information. It is important to recognise that this is a guide only and that the information contained within it is not exhaustive. You may need to seek out additional advice from experts either internally or externally. Should you have additional queries please contact the Head of Equal Opportunities (HEO), Office of the Vice President for Equality & Diversity.

## What is disability?

Within Irish Equality Legislation, disability is broadly defined to include people with physical, intellectual, learning, cognitive or emotional disabilities and a range of impairments. It also includes past, present, imputed and future disabilities (further information on this can be found in Appendix 1).

The Economic & Social Research Institute (ESRI) estimates that 18% (almost 1 in 5) of Irish people have a disability. Disability is therefore a very normal part of the human experience and of life on campus.

As our society ages and with ever greater medical and technical advances, the rates of disability will increase. More people with disabilities will be able to enter and remain in the workplace than ever before.

Rather than focus on the medical aspects of disability, your line manager will assist in identifying how structures, processes and policies related to you, can be adjusted or accommodated in order to ensure that you can remain in the workforce. In addition they will seek to ensure that you also have the same opportunities to contribute and participate to the best of your ability, as any other member of their team.

## What is disclosure?

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. Disclosure is viewed in many cases, especially in relation to employment as one of the most challenging aspects of having a disability. One of the most personal decisions you make as a person with a disability is whether or not to tell someone about your disability. NUI Galway recognises that this can be a difficult decision on your part. Therefore it is extremely important that you are aware that we seek to create a supportive environment which encourages you as a staff member with a disability to disclose.

Disclosure is welcomed by NUI Galway as this ensures that the appropriate supports and accommodations can be put in place to enable you, as a person with a disability, to participate fully and equally in all aspects of the university.

Disclosure of personal and medical information is **strictly private and confidential** and no information you disclose can be provided to a third party without your written consent.

You can provide formal confirmation that you are disclosing your disability via the Reasonable Accommodation Request Form (Appendix 2).

NUI Galway will facilitate you, as a person with a disability, in applying for positions, training and development or promotional opportunities and will remove any discriminatory barriers. NUI Galway will make all **reasonable efforts** to provide the necessary/specific supports requested or required by you.

## Disclosing a Disability

NUI Galway recognises that disclosure of a disability requires thought and preparation and it is a personal decision. While we encourage disclosure, there is no legal obligation for you to disclose information about your disability unless it is likely to affect your work performance and your ability to work safely. You must be competent in the inherent or essential requirements of the job (i.e. the tasks that must be carried out to get the job done).

It is important that you take the time to decide the following:

- **When do I disclose**
- **How do I disclose**
- **Who do I disclose to**
- **What information do I disclose**

If you are already working in NUI Galway and have recently acquired your disability – we recognise that making the decision to disclose may take time. You may initially choose not to disclose your disability. However, you should consider both the benefits and disadvantages of not-disclosing when making your decision, as non-disclosure can at times be counter-productive in the long term if you require accommodations.

### When do I disclose?

You may disclose your disability either prior to or post-employment or at different stages of the recruitment & selection process such as:

#### During the Recruitment Process

- On the application form or your CV
- On invitation to Interview
- At any time during your interview
- When you receive the job offer
- During Induction

#### Existing or New Employees

- When you are diagnosed with a disability
- When and if problems arise as a result of your disability
- When returning to work having acquired a disability
- Anytime of your choosing

You need to make the decision as to whether reasonable accommodation on the job is required – if it is needed then there are personal advantages to disclosure.

You must remember that accommodations in the workplace are **only provided** when you **disclose your disability and request accommodations** via the Reasonable Accommodation Request Form which can be found in Appendix 2.

### How do I disclose?

You may disclose your disability:

- Verbally
- In writing
- Via the Reasonable Accommodation Request Form

It is recommended that when disclosing you set up a meeting with the individual you are disclosing to, so that you have the time and space for the necessary conversation. If you do require accommodations, it is recommended that you complete the Reasonable Accommodation Request Form. You can do this yourself in advance of this meeting, or your manager or the HR Employee Relations Manager can assist you in completing the form if you would prefer.

### **Who do I disclose to?**

Your line manager should be your first point of contact if you wish to disclose a disability or request reasonable accommodations. Your line manager has a key responsibility for your general well-being and ensuring you have access to the full range of opportunities to undertake your role.

Should you prefer not to disclose your disability to your line manager for any reason, you may instead speak with the HR Employee Relations Manager or Head of Equal Opportunities in the Office of the VP for Equality & Diversity.

### **What information do I disclose?**

When disclosing, you do not need to share the detailed nature of your disability and your line manager does not require this information.

Disability disclosure is only important if it affects (or can potentially affect) your ability to perform the **essential** functions of the job. The most important and helpful information includes:

- How your disability affects your ability to perform the essential functions of the role
- What supports/reasonable accommodations you may require

**You may wish to provide the following additional information to your Line Manager and/or fellow staff:**

- General information about your disability
- Why you have chosen to disclose
- The types of accommodations that may have worked for you in the past
- The types of accommodations that you may require in the future
- How your disability and other life experiences can positively impact on your performance

**Disclosure of your disability in a face-to-face setting:**

- select a private, confidential and a comfortable place to disclose
- allow time if you think it is necessary to discuss the impact of your disability
- allow time for questions, suggestions or concerns that require time for discussion

### **Do I have to disclose my disability?**

**You have no obligation to disclose, if:**

- there is no impact on your job or the work environment
- you do not require any accommodations to the workplace
- you do not require any changes to the organisation of work or assistance
- you do not wish to and there are no health & safety implications

**You have a legal obligation to disclose, if:**

- your disability presents a health and safety hazard or risk in the workplace; you are obliged to disclose – as you have a duty of care to yourself and others. (See Appendix 1)

**What are the advantages of disclosing my disability?**

- Access to reasonable accommodations – enables you to perform to the best of your ability and receive the supports you need
- Aids in identifying support structures that are available to you
- Reduces your stress levels - Non-disclosure can take a lot of energy
- Provides you with the freedom to examine questions regarding health insurance and other benefits
- If changes occur in your personal circumstances, it provides you with greater freedom to communicate
- Helps the university to improve processes regarding the provision of adjustments/ accommodations

If you are unsure of whether to disclose your disability, we recommend speaking to HR Employee Relations Manager in confidence, contacting your relevant disability organisation or utilising resources such as the [Ahead Guide to Disclosure](#) for independent advice on the advantages and disadvantages of disclosing your disability.

**What if I don't disclose?**

If you do not inform the University or your line manager that you have a disability and it is not reasonable for your line manager to know that you have a disability - then they as your employer are not deemed to know, therefore they are not liable if reasonable accommodations are not provided.

**What if I don't give permission to disclose to others?**

If you decide not to make relevant information available to others this may impact on the type and level of accommodations you receive. This will be confirmed to you in writing.

**Confidentiality: What information can be shared?**

As a member of staff with a disability, you have the right to keep information about your disability private. It is not necessary or permissible for us to inform your colleagues about your disability, or your need for accommodations, unless your express permission has been given in writing.

While colleagues may be aware of the accommodations, especially if you are taking extra breaks/ availing of flexi-time, they are not entitled to know why these have been provided unless you have given written permission for this via the Reasonable Accommodation Request Form.

Under Irish employment legislation NUI Galway is required to keep staff members' disability and medical information confidential. If you choose to disclose to someone **other** than your Line Manager (e.g. HR Employee Relations Manager), your line manager will only be provided with information, on a need-to-know basis with your consent.

***Confidentiality of Reasonable Accommodation Forms***

A copy of the Reasonable Accommodation Request Form, which lists which accommodations have been put in place for you, and all evaluations will be maintained by your manager. This is stored in a secure file, in line with NUI Galway Data Protection Policy. These will be signed and dated by you and

your Line Manager. To maintain confidentiality, they will be stored in line with Data Protection legislation and related applicable University policies and procedures.

### ***Your Safety– exception to confidentiality***

If your line manager has good reason to believe that your safety, or the safety of another person, may be at risk unless information is shared - your line manager has a duty of care to disclose and seek specialist advice. It is recommended that they consult the HR Employee Relations Manager who will then provide guidance on next steps and with whom this information can be further shared.

## **QUICK GUIDE: Disclosure Conversations**

### **Talking to your Line Manager**

- Preparation is essential when you are planning to disclose a disability
- Be knowledgeable about your disability (while recognising that you may still be learning about a newly acquired disability)
- Be clear and matter of fact about why you are disclosing and your desired outcomes from doing so
- Check your information is presented in a clear and concise way that is relevant to the role
- Practice having your disclosure conversation, so you know what you want to say and anticipate possible questions
- Provide some options and strategies for workplace adjustments to make it easier for your line manager
- There is no need to disclose detailed medical and/or personal information
- Discuss the impact of possible symptoms and side effects of any medication on the workplace ( if you think it is important or relevant )
- Keep your disclosure conversation focused on your abilities and **not** your disability

If your disability is visible you may wish to anticipate concerns and answer those specifically.

**For example:** *‘We have not discussed my disability or how it might impact on the job?’*

*‘I have the skills required to do the main duties of the role, but sometimes (due to functional limitations) I have some difficulties which are overcome when I have the following accommodations.’*

**Be positive:** Stress your ability. If you can only stand for one hour it is much better to say *‘I can stand for one hour’* rather than *‘I cannot stand for more than one hour,’* both statements describe the same situation but the first is much more positive because it describes what you can do rather than what you cannot do.

It is important that you don’t wait too late to disclose a disability and request accommodations. It is better to disclose and request accommodations before your job performance suffers – **Disclose when you first realise that difficulties are being encountered.**

**Note:** Going forward if performance issues due to impact of disability arise you have the opportunity to request accommodations or adjustments to address these.

## Staff Members & Line Managers - Responsibilities & Rights

As a staff member with a disability, it is important to understand that you have a significant responsibility to first of all yourself, your line manager and your fellow staff. As an employer, the University and your line manager has an equal responsibility toward you.

### As a Staff member with a disability you have the responsibility to:

- Disclose a need for accommodations if any work related adjustments are required
- If going for promotion, to inform the interview panel of any interview accommodations required in a timely manner
- If attending training/development courses, to inform the Course Trainer of any training or accommodations required in a timely manner
- Be truthful and proactive

### As a Staff member with a disability you have the right to:

- Keep information about your disability private
- Have information about your disability treated with due respect and confidentiality
- Choose to disclose your disability at any time during your employment
- Receive appropriate reasonable accommodations
- Be considered for promotion based on your skills and merit
- Have respectful questioning regarding your disability for the purpose of accommodations

### Line Management Responsibilities

Line Managers are expected to:

- Promote a climate of trust and encourage staff members with disabilities to disclose their disability
- Raise awareness and understanding of disability amongst their staff and be cognisant that many disabilities are invisible
- Ensure all staff members are aware of the available supports, reasonable accommodations and the processes involved
- Promote positive attitudes towards you and any staff member with a disability
- Act as the primary contact for you – including taking a lead on ensuring reasonable accommodations are put in place once agreed
- Make it clear that staff with a disability cannot be discriminated against by fellow staff members as a result of their disclosure or accommodations and that the university will treat any complaints regarding discrimination in a serious manner
- Lead by example

# Reasonable Accommodation

## What is Reasonable Accommodation?

Under Employment Equality legislation employers are obliged to take appropriate measures to enable a person who has a disability to access and participate in employment or undertake training – unless these measures would result in a disproportionate burden for the employer.<sup>1</sup>

Reasonable Accommodation (RA) can be defined as some modification to tasks or the structure of a job or the workplace which allows a qualified employee with a disability to fully do their job and enjoy equal employment opportunities. Reasonable Accommodation can vary from something as simple as rearranging office furniture, to providing Assistive Technology or providing for changes to working hours.

## Examples of what may be considered a Reasonable Accommodation

Successful accommodations are often minor, requiring little or no expense.

Some simple examples of Reasonable Accommodations may be:

- Rearranging furniture
- Changing the level of a desk
- Buying a piece of office/lab equipment
- Adapting standard equipment
- Adjusting training materials
- Accepting that there may be alternative ways of accomplishing a given task
- Providing company information in appropriate formats
- Providing a parking space close to place of work
- Allowing flexi-time, part-time work, job share
- Moving Lectures to a different accessible hall

### **Please Note:**

Reasonable Accommodation does not include any treatment, facility, or item that you might ordinarily or reasonably provide for yourself, for example, a wheelchair or reading glasses.

---

<sup>1</sup> Source: [Ahead Publication – Demystifying Disability in the Workplace](#)

## QUICK GUIDE: Requesting Reasonable Accommodation

The following are the key steps which should be taken by you and your line manager when you request a reasonable accommodation. Further information and guidance can be found in the main body of this guide.

### 1. Complete the request form

Meet with your line manager (or the HR Employee Relations Manager/ Head of Equal Opportunities) who will explain the process for accessing Reasonable Accommodations. They can then assist you to complete the Reasonable Accommodation Request Form (Appendix 2). They will then submit the form, on your behalf, to the relevant contact.

### 2. Participate with the workplace needs assessment

If necessary, your line manager (or HR Employee Relations Manager) will arrange a workplace needs assessment. This will identify the reasonable accommodations which you may require in relation to the work environment, accessibility, access, etc. **Note:** The Workplace Assessment should be completed within two weeks of a request being made.

### 3. Agree accommodations

In collaboration with your line manager, HR Employee Relations and any other relevant parties, agree what accommodations will be put in place and when they will be implemented. You will be consulted and involved throughout the entire reasonable accommodation process.

1. **Note:** The accommodations should be agreed within three weeks of the needs assessment being finalised. In the small number of cases where this is not possible, you and the HR Employee Relations Manager will be consulted with regarding a revised timeline.
2. If it is not possible to meet your preferred accommodation requests, you will be invited to work with the University to identify whether an alternative option may be feasible. You should receive a written explanation as to why your first choice accommodation request is not possible.

### 4. Confirmation of Implementation

Your line manager (or HR Employee Relations Manager) will ensure agreed accommodations are implemented. **Note:** The accommodations should be implemented within six weeks of being agreed. If this is not possible owing to complexity or the time required for a change to be made, this will be agreed with you and the HR representative and a revised timeline agreed.

While we will endeavour to ensure all recommendations are met, should issues arise with non-implementation, you or your line manager can escalate this through the University's [Equal Opportunities grievance procedure](#).

### 5. Follow up

Your line manager will agree a schedule of follow up meetings with you to ensure that accommodations are still working satisfactorily (typically after 2 weeks, 6 weeks, 3 months and then every 6-12 months). Where changes are needed, steps 1-5 should be re-visited.

### 6. Maintaining confidentiality & communications

At all times confidentiality will be maintained in accordance with your wishes and as outlined in the Reasonable Accommodation Request Form. Throughout the process open communications will be maintained with you. You will be updated on progress and consulted on any changes which may need to be implemented. Accurate records at every stage of the assessment process will be maintained and reasons for decisions made will also be recorded.

## Staff Reasonable Accommodation Request Form

In order to ensure that reasonable accommodations can be accessed consistently and fairly, a simple form has been developed to formally place a request for accommodations.

Your line manager will ensure that you are informed about the availability of reasonable accommodations and provide you with this form where necessary. When you disclose a disability to your line manager, you can seek assistance from them in completing this form.

Once completed, these forms will be submitted by your line manager.

### The Form

The Reasonable Accommodation Request Form consists of three simple sections:

- **Section 1: Reasonable Accommodation - Confirmation that you would like to request a reasonable accommodation related to your disability**
- **Section 2: Declaration of disability - Confirmation that you are disclosing your disability**
- **Section 3: Consent to Share - Identification of those individuals or departments with whom you have agreed that this information can be shared (consent to share)**

The Reasonable Accommodation Request form can be found in Appendix 2.

## Reasonable Accommodations for new staff members

The steps in the process for providing Reasonable Accommodations to you as a newly hired member of staff are the same as for an existing staff member.

You may choose to disclose either during the interview process, after you have received a contract of employment, or once you have commenced working.

It is important to note the following:

- If you disclose a disability during the interview process you cannot be discriminated against on the basis of this. The assessment of applications from people with disabilities will occur taking the provision of reasonable accommodation into account; this puts you 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 never part of the recruitment process and will only be used after the offer of a job has been made to you.

## Workplace Needs Assessment

As part of the Reasonable Accommodation request process you may be required to participate in a Workplace Needs Assessment, in order to determine what supports the University needs to put in place for you.

According to AHEAD, a 'Needs Assessment' is a '*structured process which identifies any accommodations/adjustments an employee may require, if any, in order to undertake all/some core aspects of a job – safely and successfully.*' It is a systematic procedure to collect all the relevant information which will then enable the University to provide you with the accommodations/ supports that you require. A Workplace Needs Assessment is confidential and all information collected comes under the Data Protection Act, 2018 and related applicable NUI Galway Data Protection Policies & procedures, which can be found on the [Office of the Secretary's policy website](#).

If required there may be a need for consultation with your specialist or organisations specialising in your disability. This will be conducted in consultation and with your written permission.

NUI Galway will do everything that is reasonably possible to accommodate your needs. If it is not possible to meet your preferred accommodation request, your line manager will work with you to identify whether an alternative option may be feasible. This will be done in collaboration with you, your line manager, HR Employee Relations and any other relevant individuals. HR representatives may be requested to provide guidance on how to conduct this process.

### Medical Evidence of Disability

It may be necessary for an appointment to be made for you with the NUI Galway Occupational Health Physician (OHP). If this is required, your line manager (or HR Employee Relations) will arrange this following consultation with you. This service is mainly utilised if you are returning following long term absence or having acquired a disability.

The University recognises that it is important to distinguish disability from sickness. It is considered that people with disabilities are generally as healthy as people without disability, and their absences from work due to sickness are usually similar to those of other members of staff.

## **Returning to Work after acquiring a disability/illness**

**Did you know that 85% of people of working age, who have a disability, acquire that disability during their working life?**

Injuries and illnesses can strike anyone at any time during their working life. Losing trained, knowledgeable, competent and experienced staff represents a significant cost to the University. In addition, for you, an individual who has acquired a disability, retaining your role can be vital both for economic reasons and as a source of stability at a time when much has changed for you.

If you acquire a disability or your disability deteriorates or becomes progressive while working for NUI Galway - every effort will be made to retain you as an employee and assist you in returning to your job as quickly and safely as possible through the provision of reasonable accommodation. You will be involved during all stages of this process.

Should you have any questions regarding the Return to Work process please contact the HR Employee Relations Manager.

### **Conclusion**

NUI Galway is committed to ensuring our workplaces value and include all staff members. We recognise that our staff members with disabilities represent a valuable source of talent, experience and knowledge. We are committed to ensuring that those staff members with disabilities can remain in the workplace and can continue to contribute at the best of their ability, with the necessary supports to put them on an equal footing with other staff members.

Should you have an existing or acquired disability, we encourage you to request any accommodations which you require through your line manager, or if preferred, the HR Employee Relations Manager or the Head of Equal Opportunities, Office of the Vice President for Equality & Diversity.

## Appendix 1: Legal Definitions of Disability

### The Employment Equality Acts 1998 – 2015

Under the Employment Equality Acts (1998 to 2015) and the Equal Status Act 2000 to 2015) disability is defined very broadly in section 2(1) of the Employment Equality Acts and includes most disabilities.

“Disability” means—

- (a) The total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body.
- (b) The presence in the body of organisms causing, or likely to cause, chronic disease or illness.
- (c) The malfunction, malformation or disfigurement of a part of a person’s body,
- (d) A condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
- (e) A condition, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, and includes a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.<sup>2</sup>

The Employment Equality Acts promote equality, prohibits discrimination (with some exemptions) across nine grounds, prohibits sexual harassment, harassment and victimisation; requires appropriate measures for people with disabilities in relation to access, participation and training in employment; and allows positive action measures to ensure full equality in practice across the nine grounds.

The Employment Equality Acts (1998 – 2015) impose specific duties on the university with regard to people with disabilities. Under the Act the university is prohibited from unlawfully discriminating against people with disabilities by failing to provide reasonable accommodations. This means that the University must provide reasonable accommodations.

#### **The Scope: Aspects of employment that are covered:**

- Advertising
- Equal pay
- Access to employment
- Vocational training and work experience
- Terms and conditions of employment
- Promotion or re-grading
- Classification of posts
- Dismissal
- Collective agreements

#### **The Act applies to:**

- Full-time, part-time and temporary employees
  - Public and private sector
  - Vocational training bodies
  - Employment agencies
-

- Trade unions, professional and trade bodies
- Self-employed contractors
- Partners in partnerships
- State and local authority office holders

## Reasonable Accommodation – Legal Requirements

The requirement to provide reasonable accommodations for people with disabilities applies to each stage of employment:

- Recruitment, selection and appointment
- Training and career development
- Probation, progression and promotion
- Performance management and
- Any other employment benefit

An employer is obliged to provide reasonable accommodation unless the measures would impose a disproportionate burden on the employer.

### A. What are appropriate measures?

They are effective and practical measures needed in a particular case to adapt the employer's place of business including:

- The adaptation of premises and equipment
- Changes to patterns of working time
- Distribution of tasks or
- The provision of training or retraining

The employer is not obliged to provide any treatment, facility or item that the person might ordinarily or reasonably provide for themselves.

### B. What is Disproportionate Burden? (Council Directive 2007/78EU)

In determining whether the measures would impose a disproportionate burden, account is taken of:

- a) The financial and other costs entailed
- b) The scale and financial resources of the employer's business; and
- c) The possibility of obtaining public funding or other assistance

### C. What is Positive Action?

Employers can take steps with a view to ensuring full equality in practice between employees on all of the nine discriminatory grounds.

## **The Equal Status Acts 2000-2018**

The Equal Status Acts prohibit discrimination on the same nine grounds as the Employment Equality Acts but that discrimination is also prohibited in the provision of goods and services, the provision of accommodation and education.

### **Who is protected under the Acts?**

The Acts apply to anyone who:

- Buys or sells a wide variety of goods
- Uses or provides a wide range of services
- Provides or uses accommodation (landlords, tenants, hotels and so on)
- Attends or manages a pre-school, school or other educational establishment

Clubs such as sports clubs are treated slightly differently under the Equal Status Acts.

### **'Reasonable Accommodation' under the Equal Status Act 2000 - 2018**

'Reasonable Accommodation' means providing adjustments or facilities to make sure that people with a disability can avail of particular goods and services.

Service providers, educational establishments, and all those addressed by the Acts must do all that is reasonable to meet the needs of a person with a disability.

This involves making reasonable changes in what is done and how it is done where, without these changes, it would be very difficult or impossible for a person with a disability to obtain these goods or services (unless it costs more than a nominal cost). A nominal cost will be different for each person or organisation as it depends on the size of the business and its budget.

The State provides grants for the provision of special treatment and facilities. If the service provider/contractor/sub-contractor is in the private sector there may be an onus on them to avail of these grants and the cost of the change would be assessed after these grants have been taken into consideration.

## **The Safety, Health and Welfare at Work Act 2005 (Section 8 & 10)**

Under the Safety, Health and Welfare at Work Act, an individual with a disability is obliged to disclose if their disability presents a health and safety hazard/risk in the workplace— as they have a duty of care to themselves and others

Section 8 (2) (b): imposes an obligation to outline in HR policies, behaviour which will not be acceptable and to outline what action will be taken where an employee's behaviour poses a threat to the H&S of other employees.

Section 10: "If an employee referred to in *subsection (1)* becomes aware that he or she is suffering from any disease or physical or mental impairment which, should he or she perform a work activity referred to in *subsection (2)*, would be likely to cause him or her to expose himself or herself or another person to danger or risk of danger, he or she shall immediately notify the employer concerned or a registered medical practitioner nominated by that employer who shall in turn notify the employer."

## Appendix 2: Reasonable Accommodation Request Form

If you require this form in an alternative format (for example Braille, large print, or e-text) please contact the Office of the Vice President for Equality & Diversity

### About

NUI Galway is committed to creating a work environment which provides the necessary support for all employees to reach their full potential. Through providing this voluntary disability disclosure process we wish to make it easier for staff to access supports they may need. This form is designed for completion by any staff member that wishes to request a reasonable accommodation related to either a pre-existing or acquired disability.

Within this form you are asked to complete three pieces of information:

- **Section 1:** Confirmation that you would like to request a reasonable accommodation related to your disability
- **Section 2:** Confirmation that you are disclosing your disability
- **Section 3:** Identification of those individuals or departments with whom this information can be shared (consent to share)

### Contact

Your line manager should be the first person to speak with if you wish to request a reasonable accommodation. You may wish to complete this form in advance of meeting with your manager, or if you prefer your line manager can assist you in completing this form.

If however, you **do not** wish to disclose your disability to your line manager, or you would like to ask questions in confidence before disclosing and requesting an accommodation, please contact the HR Employee Relations Manager, or the Head of Equal Opportunities, Office of the Vice President for Equality & Diversity.

### Submit

Once complete, this form should be submitted to your line manager. This information will only be shared with those individuals or groups which have been approved by you.

If you would prefer not to disclose your disability to your line manager, you may instead submit it to the Employee Relations Manager, HR Office.

### Confidentiality

Under the Employment Equality Acts (1998 – 2015) the information provided on this form will be kept confidential and will not be used to discriminate against you in any way. The relevant information on this form will **only** be released to those individuals responsible for the provision of accommodations with your consent and in line with NUI Galway Data Protection Policies.

Please note that this is a voluntary disclosure and it is not required of any employee to divulge specific personal information about a disability, unless your disability will result in you being a danger to yourself or others within your role (under the Health and Safety Act 2005).

### What is the purpose of providing this information?

**This personal data is collected ONLY for the purpose of providing the required supports and reasonable accommodations and for no other purpose.**

## **Section 1: Reasonable Accommodation Request**

In order to provide equal access and opportunities to employees with disabilities, NUI Galway recognises that some staff members with disabilities may require reasonable accommodations and we are committed to providing these.

Please note that completion of the Reasonable Accommodation Request Form will be viewed as a request for accommodations once the appropriate box is ticked. Your line manager will then commence the process of confirming your requirements and putting necessary supports in place.

Once the University has received this form, you will receive information about the accommodation process within 5 working days from your line manager.

Please confirm by ticking the box below that you would like to request reasonable accommodation(s):

**I would like to request reasonable accommodations**

---

## **Section 2: Disability Declaration**

In this section we ask you to provide further details, including the nature of your disability. We also ask you to confirm that you are satisfied to disclose this information to the relevant individuals who are named in Section 3 of this form.

### **Staff Member Information – Please Complete Below:**

Name:

Staff Number:

Email:

Phone Number:

### **Please read the following list and tick as many boxes as you feel may apply to you:**

- Specific learning disability (such as dyslexia or dyspraxia)
- Intellectual disability (such as Down Syndrome)
- Cognitive impairment (such as acquired brain injury)
- Developmental Disability (such as autism spectrum disorder)
- Long standing illness or health condition (such as cancer, HIV, diabetes, heart disease, or epilepsy)
- Mental health condition (such as depression or schizophrenia)
- Physical impairment or mobility issues (such as difficulty using arms, using a wheelchair, or illnesses affecting mobility such as Parkinson's/MS)
- Deaf / hearing impairment
- Blind / visual impairment

[ ] Other type of disability

If you selected 'Other', please tell us more here:

### Confirmation of Disclosure

I understand that all information obtained during the process of my Disclosure will be maintained and used in accordance with the Data Protection Act 2018 and NUI Galway's Data Protection Policy, which can be found on the [Office of the Secretary's policy website](#).

I further understand that I may be required to provide appropriate documentation of my disability from a specialist medical practitioner and/or the University's own Medical Consultant or a registered Medical Practitioner nominated by the University.

Employee Full Name (Block Capitals): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Line Manager (or Representative): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

### Section 3: Consent to Release Information

NUI Galway will ensure that all personal data collected is only used to facilitate the required supports and reasonable accommodations required by you. In order to provide these supports, it may be necessary to disclose **appropriate and relevant** details to the nominated individual(s) to facilitate the required levels of support. Please tick '**consent to share**' or '**do not consent to share**' as outlined below.

Please note that if your refusal to share information with an individual or office results in it not being possible to fully meet your individual needs and any reasonable accommodations, you will be given the opportunity to later provide consent for those individuals should you wish to do so. This will be discussed and agreed with you in advance.

Consent to Share			
Role	Name(s)/Group <i>(for groups there is no need to list all names)</i>	I <u>consent</u> for my information to be shared with this individual/ group	I <u>do not consent</u> for my information to be shared with this individual/ group
<b>EXAMPLE:</b> My Team Members	<b>ALL</b>	<b>X</b>	
Line Manager			
Head of School/Discipline/Unit			
Human Resources			
Health & Safety Office			
Buildings & Estates Office (as applicable)			
My Team Members			
Any college employee			
Other (Please list)			

I agree that the above information concerning my disability can be shared with the individuals listed whom I have confirmed ‘**consent to share**’ with.

I understand that if I **refuse** consent, a record of my disability will be kept on record by my line manager (or HR Personnel file) but will not be shared. I **accept** this may mean it is not possible to fully meet my individual needs and any reasonable accommodations

**Please note:** You have the right to update this information in future should you wish to add or remove consent for any individual or group.

**Employee Full Name (Block Capitals):** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Line Manager (or Representative):** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_