



Reasonable Accommodation Public Consultation

The aim of this submission is to establish the difficulties and obstacles people with disabilities are faced with during the Reasonable Accommodation process. Towards Work is the central point for people with disabilities in Ireland to access resources and support in their journey towards further education, employment or entrepreneurship. Towards Work is supported by Pobal and the Dormant Accounts Fund, and is part of the Open Doors Initiative, which creates pathways to education, employment and entrepreneurship for marginalised people.

[Why people with disabilities do not apply for Reasonable Accommodations](#)

The overwhelming evidence is that people with disabilities are fearful of disclosing their disability, concerned with being treated differently by an employer or other members of staff. They also fear it might damage future promotion opportunities.

The top three reasons provided by the National Disability Authority report of November 2019 are:

- Fear of being treated differently
- Fear of disclosure affecting promotional opportunities
- Fear of being labelled.

The ideal is a seamless process that makes it very straightforward for people with disabilities to share their disability and apply for Reasonable Accommodations. However, as the NDA report states: 'Various factors may impede a seamless reasonable accommodation process, such as, lack of human resources capacity; the affordability of obtaining medical or psychological reports etc.'

People with disabilities also find it difficult to apply when employers have little understanding about Reasonable Accommodations and the legal rights of people with disabilities. The following is from the review of Workplace Relations Commission and Labour Court decisions relating to reasonable accommodations, and consultations with stakeholders. While not an exhaustive list, the eight obstacles considered are:

1. The reluctance of some employees and prospective employees to disclose their disability to an employer and to request reasonable accommodations
2. The failure of some employers to have policies and procedures in place regarding reasonable accommodations and to follow the procedures required by law
3. The failure to provide reasonable accommodation in a timely manner
4. The limited awareness of the legal obligations on employers to provide reasonable accommodations and the types of reasonable accommodations available
5. The failure to provide reasonable accommodations arising from low levels of understanding and awareness of disabilities as well as negative attitudes towards reasonable accommodations
6. The low awareness of financial supports available to employers in the provision of reasonable accommodations
7. The limitations of existing financial supports available to employers to provide reasonable accommodations
8. The lack of provision for monitoring and reviewing reasonable accommodations (NDA report Nov 2019)

Proving your disability

It is onerous, intrusive, and expensive for people with disabilities to continually provide evidence of their condition(s) in order to access services. It also places most emphasis on the medical versus social model of disability.

We recommend the creation of a centralised system, so that once a person has been diagnosed with a disability, they no longer are required to provide ongoing evidence each time they need to access a particular support. Consideration has to be given to the emotional and psychological impact of being asked to continually prove that you still have MS or are still blind or vision impaired or another ongoing disability. In many cases there is a significant cost factor involved with additional medical appointments and tests to prove a disability, such as someone who needs to take taxis to and from appointments if public transport is not accessible to them.

Most disabilities are lifelong so an insistence on repeated proof of disability places a huge burden on individuals with disabilities, as well as on the health service, which is already under extreme pressure.

Self Employment

Becoming self-employed can be beneficial for some people with a disability, as it provides a more flexible situation than many traditional employment roles, allowing the person to work more easily from home, set their own hours and gain fulfillment from work they enjoy. However, sometimes the choice to start their own business is due more to the barriers faced in accessing the workplace, including bias in hiring practices, limited job options or inaccessible transport, rather than a desire to be an entrepreneur.

There is very little support for disabled entrepreneurs in Ireland. People with disabilities are told to contact their Local Enterprise Office (LEO) in order to find any supports related to starting their own business. In our search for resources, we contacted LEO, and after many queries, were able to find one Access Officer who works with people with disabilities in Tipperary, who is responsible for the entire country. Many of the processes involved in accessing grants and supports from LEO create barriers for people with disabilities, for example, a person who is unable to write due to their disability was unable to fill out the paper forms required to apply for grants, and there were no accessible options available so they had to pay for a person to write them.

Towards Work partnered with TU Dublin to start a new course in September 2021 called Self Employment for People with Disabilities, led by Professor Thomas Cooney. The course received very positive feedback and will commence again in 2022, however it is just one small step in an area critically under resourced, with self-employed people often falling through cracks in the system when it comes to disability supports.

When a person is self-employed, they obviously do not have an employer or HR department to contact regarding reasonable accommodations. Many disabled people require, or would benefit from, assistive technology to start their own business, but are unsure if there are any supports or how to access them. The Workplace Equipment Adaptation Grant is also available to those who are self-employed, however this is not well known and the application process involved is overly complicated.

Recommendations

- A centralised system where people can register once with proof of their disability to access all services, creating a more streamlined approach that reduces stress and waiting times
- All applications should be simple, in plain English (and translated into other languages) and fully accessible and available in a range of formats
- Support staff should be available to assist with the application process for accommodations
- Reasonable Accommodations and assistive technology delivered to a disabled person regardless of their current state of non-employment, employment, self-employment or further education to enable them to enter these pathways with no barriers or delay should they become available
- Where applicable, accommodation supports should move with the person, rather than being tied to specific employers or educational institutions
- Awareness campaigns need to be put in place and disability awareness training provided to all employers/employees
- Accommodation supports should remain regardless of the income of a disabled person who is employed or an entrepreneur
- All supports should stem from the social model of disability, rather than the outdated medical model of disability

- Do not remove vital supports such as people medical card, free transportation, etc. once they enter employment. This is a major deterrent for many in going into the workplace as their wage will not make up the difference in cost and they fear that if they lose the job, they may not get those supports back

Benefits

- **Greater job flexibility and productivity:** If a person can bring technology with them, there is no need to go through an extended application process in each job, causing stress and delays in work productivity (current waiting times of at least 4-6 weeks for the Reasonable Accommodations Fund). This will also reduce the cost of replicating accommodations for a person every time they start a new position
- **Improved employment pathways:** Access to particular assistive technology would be very beneficial to people when they are searching and applying for jobs, as well as during the interview process, rather than only after gaining employment
- **Reduced stress for disabled people:** A simpler and less intrusive application process is critical, especially one that does not require repeated proof of disability
- **Increased confidence for jobseekers and employees:** A more robust, connected system of accommodation supports will give people with disabilities greater assurance of resources going into job interviews or starting a new role in a company
- **Increased confidence for employers:** To hire disabled people and understand their responsibilities towards reasonable accommodations, without stigma or concerns of high costs for accommodations
- **Continuity for students with disabilities:** If a student is able to access accommodations throughout their further education experience, they should be able to maintain those same supports as they embark on their career after graduation
- **Opportunities for entrepreneurship:** Greater awareness, availability and support for accommodations will allow those who would like to start their own business to know they can avail of the same resources as an employed person.

ENDS –

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