



Chartered Institute
of Personnel and
Development

Adapting to disability

It wasn't so difficult after all

The change agenda

INTRODUCTION

It wasn't so difficult after all. Businesses may have feared that implementing the 1995 Disability Discrimination Act (DDA) would be a burden on them, but the reality has proved much more straightforward. A survey of more than 800 personnel managers reveals that eight out of ten say adapting their procedures and workplaces to comply with the Act was easy. And the biggest challenge? Changing the attitudes of fellow workers.

THE BACKGROUND

Since the DDA became law in 1996, it has been illegal for firms with 15 or more staff to discriminate against current or prospective employees because of any disability. A few specific categories of employment are exempt: the police, prison officers, fire-fighters, members of the armed forces and those who work on board ships or aircraft. But for most large employers, the law requires them to make 'reasonable adjustments' to working arrangements and environments that place employees with disabilities at a disadvantage to other workers.

Many firms have yet to take on board their new responsibilities. A survey by one Manchester law firm revealed that four years after the Act came into force, one in three of the country's top 100 companies claim either not to understand the law or to believe that they are somehow exempt from it. Disturbingly, the Royal National Institute for the Deaf recently produced research which showed that deaf people are now two and a half times more likely to be unemployed than non-deaf people. In 1996, before the introduction of the DDA, they were only two times as likely to be unemployed.

The creation of the Disability Rights Commission is intended to give the DDA a higher profile. The Commission's job is to give the legislation some teeth, although its approach will be to put conciliation before litigation. If firms choose to ignore their obligations under the Act, employees have recourse to legal solutions. A disabled person who believes they have been unfairly treated can complain to an employment tribunal, which can award unlimited compensation against an employer, if the complaint is upheld. Already some 4,000 cases citing disability discrimination have come before employment tribunals.

WHAT IS DISABILITY?

The Disability Rights Commission sets out the following criteria for judging whether a worker is disabled:

- is there physical or mental impairment involved
- does the impairment have a substantial adverse effect
- does the impairment have a long-term effect
- does the impairment affect normal day-to-day activities?

WHAT SORT OF CHANGES DOES THE DDA REQUIRE?

The Act requires organisations to take 'reasonable steps' to change any practice, policy or procedure which makes it unreasonably difficult for disabled workers in the areas of recruitment, promotions, transfers and training and development. 'Failure to anticipate the need for an adjustment may render it too late to comply with the duty...furthermore it may not of itself provide a defence to a claim that it was reasonable to have provided one', notes the Draft Code. Like the boy scouts, the message is 'be prepared'.

However, the UK Act stops short of giving disabled people full civil rights, as the equivalent legislation does in the US. The DDA does allow British employers to treat the disabled worker less favourably, if they can justify the treatment or prove that making an adjustment for a particular worker would be 'unreasonable'. Employment tribunals are now starting to hear test cases over what the word 'reasonable' means in the context of the Act.

Because the DDA sets 'reasonable' as its test, it is important for employers and personnel specialists to be aware of what other companies are doing to comply. Our survey shows some of the ways in which firms are adapting to the challenge laid down by the DDA. So what sort of changes should a company be considering?

CHANGES TO RECRUITMENT PROCEDURES AND PRE-EMPLOYMENT SCREENING

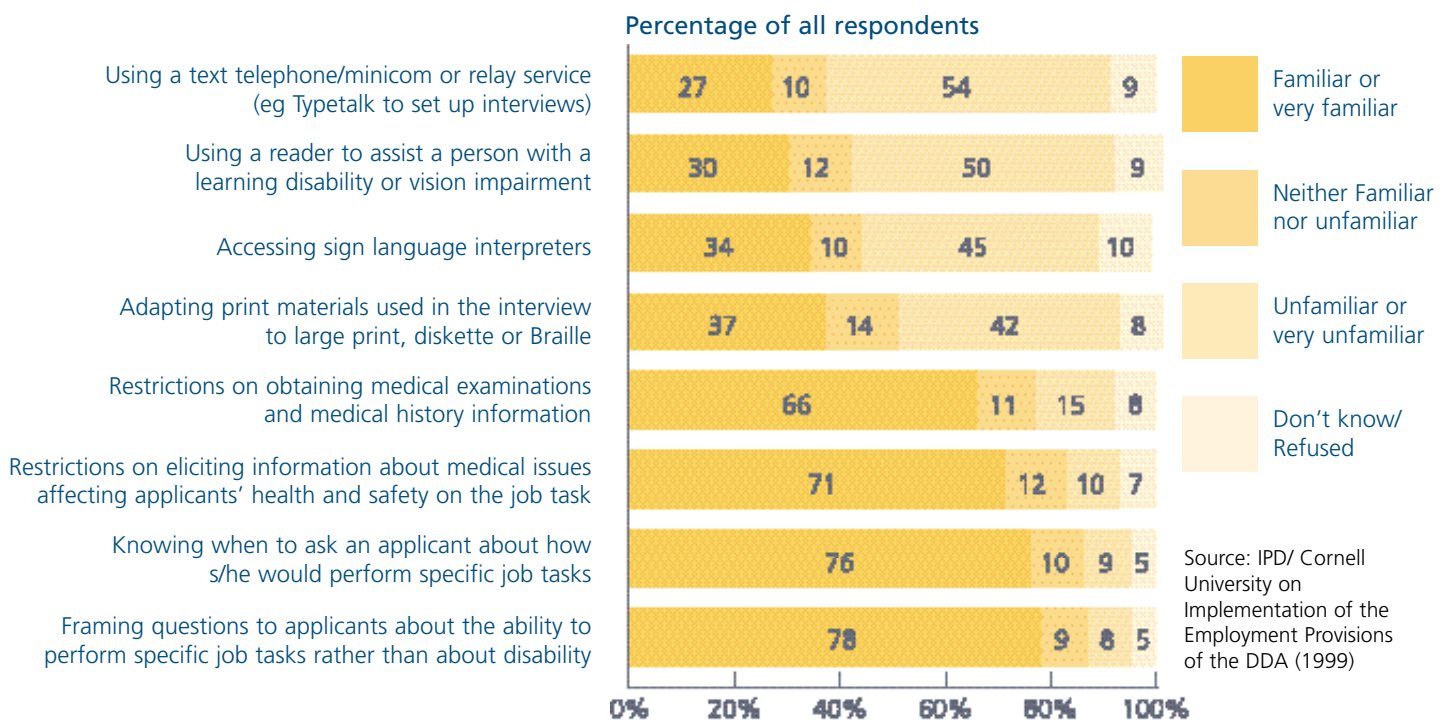
Providing a fair deal for disabled workers starts even before they become employees. An organisation with no disabled employees should perhaps be thinking about why not. A good starting point is recruitment procedures. The following checklist provides some pointers for personnel specialists to think about.

A recruitment checklist:

- does the application form or job description need changing so it is not unfairly discriminatory
- does the application form ask about any special requirements applicants may have if called to interview
- is the interview location accessible
- are the toilets at the interview location accessible for disabled applicants
- do any of the questions planned for the interview need changing
- is any information provided accessible for hearing or visually impaired people
- do any test procedures need to be adapted
- are new employee induction procedures accessible for disabled workers?

So what did members of the Institute report about changing their recruitment procedures? On all the checkpoints listed above, the majority had made the change and just one per cent or less of respondents said they had not been able to change their procedures. The remainder reported that they didn't need to.

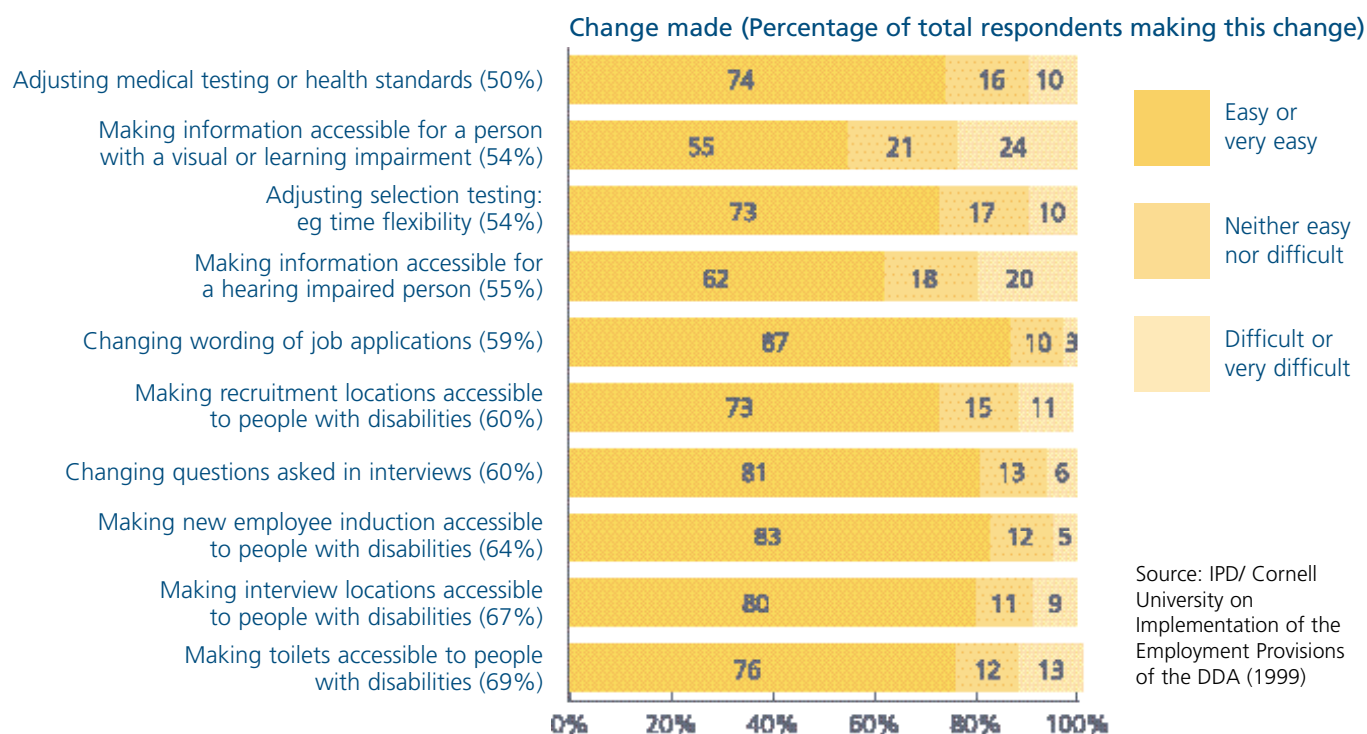
FAMILIARITY WITH APPLICANT INTERVIEWING ISSUES



Our survey showed most managers are confident they know how to interview people with disabilities. Eight out of ten said they were familiar with framing questions to ask about the applicant's ability to perform specific tasks rather than their disability. Seven out of ten knew there are restrictions on obtaining medical examinations and medical histories. Respondents were less confident in areas like adapting print materials for Braille users, accessing sign language interpreters and using text telephone/minicom or a relay service to set up interviews for deaf people.

Making the adjustments to recruitment procedures wasn't a hard task. Personnel managers who had made the changes overwhelmingly reported that it was 'easy or very easy'. The most challenging task – difficult according to one in five of those surveyed – was making information accessible for a person with a visual, learning or hearing impairment.

DIFFICULTY IN MAKING CHANGES IN THE RECRUITMENT AND PRE-EMPLOYMENT SCREENING PROCESSES



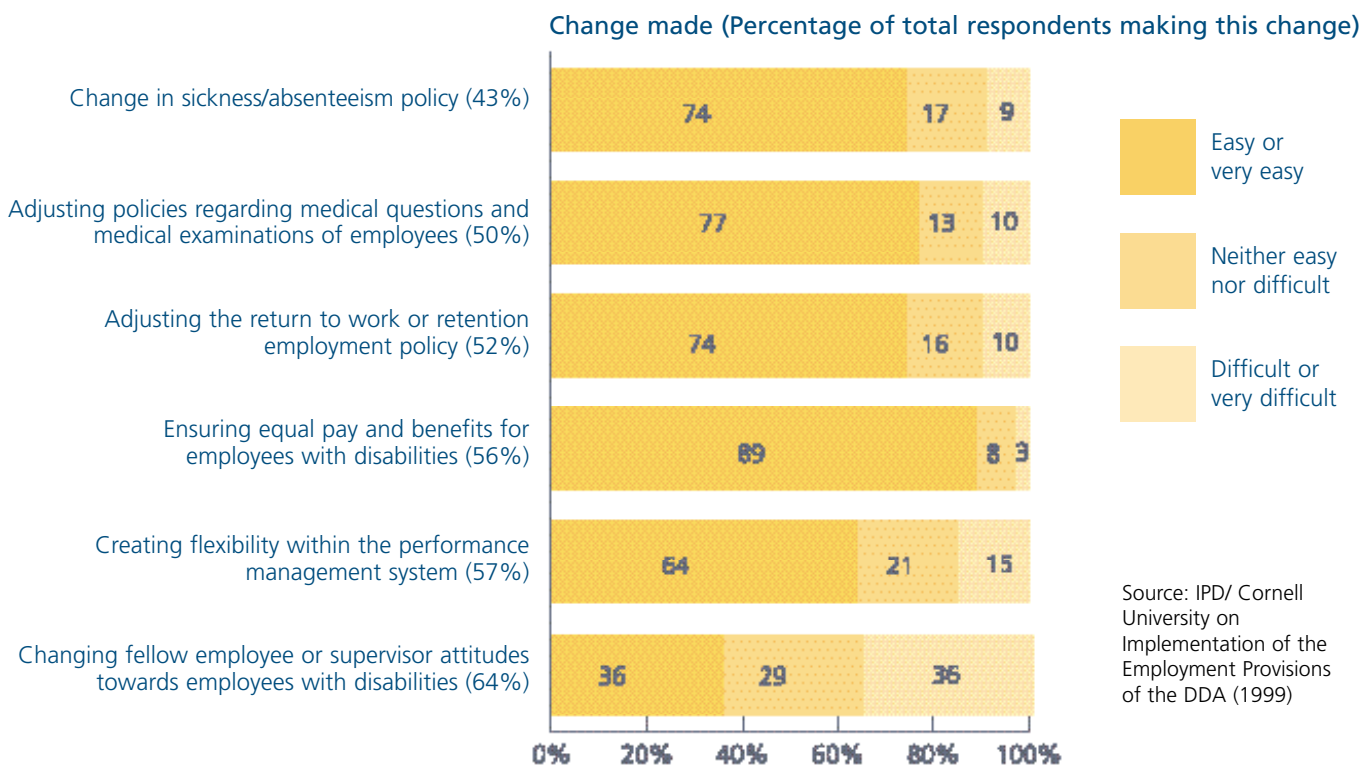
ADJUSTMENTS TO THE WORKPLACE AND TO HR PROCEDURES

By 2004, firms will be required to make reasonable adjustments to the physical work environment to overcome barriers to access. Firms currently in the process of altering their premises for other reasons should be thinking about that deadline. In the meantime there are many adjustments that stop short of major physical alterations which firms should be making.

A checklist for employing a disabled person:

- can the firm be more flexible in applying existing HR policies
- are existing facilities accessible to employees with disabilities
- does the work environment need modifying
- what about any equipment or devices used by workers
- do parking or transport arrangements need changing
- is it possible to restructure jobs or change working hours to suit disabled workers' needs
- does the firm provide written job instructions
- is it possible to redeploy a worker with a disability or health problem to a more suitable vacant position
- do test or training materials need adapting
- does the firm provide qualified readers or interpreters
- do supervisory methods need changing?

DIFFICULTY IN MAKING CHANGES TO REDUCE EMPLOYMENT AND ADVANCEMENT BARRIERS

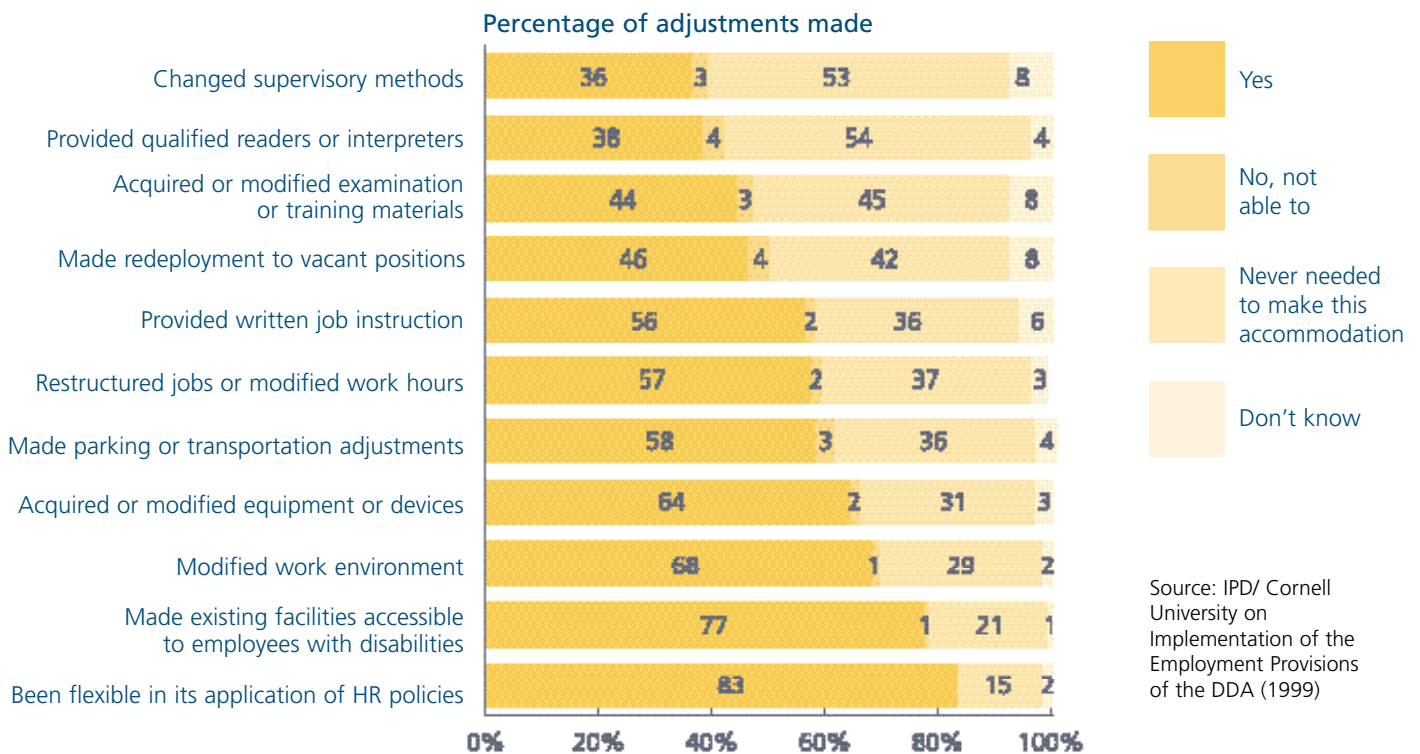


Once again, the survey shows only a small group, less than four per cent on all points, reporting that it was not possible to make these changes, with the vast majority reporting they had either made the change or didn't need to make it.

WHAT BARRIERS DO THE DISABLED FACE IN THE WORKPLACE?

Unemployment amongst the disabled is three times higher than amongst the rest of the workforce. When asked why, our personnel managers identified as the biggest barrier lack of experience and skills on the part of the disabled themselves, a classic example of the Catch 22 situation disabled people face. The cost of making adjustments was cited by just one in six respondents.

ADJUSTMENTS MADE FOR EMPLOYEES WITH DISABILITIES



Our survey also reveals that the attitudes of fellow workers are amongst the biggest barrier to employing disabled people. Legally, a firm can be held responsible for the action of its employees if they discriminate against a disabled worker, unless it can show they have taken reasonable steps to combat discrimination – for example setting up awareness and training programmes.

SWEEPING AWAY THE BARRIERS

The most successful agent for change is the visible commitment of senior management. Eight out of ten respondents cited having the top brass on board as the best way to break down employment and advancement barriers within a company. Training, mentoring and short-term assistance were also cited by a majority as effective agents for change.

Most organisations also reported having made changes to organisational policies and practices. Two-thirds reported having attempted to make changes in co-worker's and supervisor's attitudes towards employees with disabilities, and more than half had allowed for more flexibility within the performance management system.

Once again, most reported that making these changes was easy or very easy. The one exception was in the area of changing people's attitudes which almost a third of respondents described as a difficult task.

TRAINING

About half the firms in the survey reported that they trained their staff on DDA related topics. But in most firms, HR staff are more likely than managers to receive training – even though the survey shows that changing management attitudes is key to reducing the barriers disabled people face.

SUMMARY

Our survey of Institute members asked about awareness of how to interview disabled people, alterations to company health plans and what barriers stand in the way of employing disabled people in their companies. Their responses reveal that lack of information – whether from fellow workers, or from HR staff themselves remains the biggest single obstacle to employing disabled people. Change begins with people: teaching managers and employees in the company to see the person not the disability. The new Disability Rights Commission will be working to ensure that companies comply with the law. It makes good sense for firms themselves to overhaul their own procedures to make sure they are complying with best practice in this area.

RECOMMENDATIONS

Key points for personnel specialists:

- **REVIEW** all procedures, from recruitment through to appraisal and in-work benefits with the DDA in mind to make sure that employment and retention of people with disabilities is part of your firm's equal opportunities strategy
- **THINK** about the working environment. What changes can you make so that they do not prevent disabled people from joining your firm. Remember, by 2004 you will be legally required to make reasonable adjustments to the working environment
- **CHECK** job advertisements and descriptions. Make sure they do not unfairly discriminate against people with disabilities
- **INVOLVE** disabled people in implementing policy by consulting them
- **THE BIGGEST BARRIER** will be persuading colleagues that there are no impossibly difficult barriers to employing disabled people. Change starts with people.

USEFUL CONTACTS

Disability Rights Commission
2nd Floor
Arndale House
The Arndale Centre
Manchester
M4 3AQ
Tel: 0845 7622633
Website: www.drc-gb.org

The Equal Rights
Department
Trade Union Congress
Congress House
Great Russell Street
London
WC1B 3LS
Tel: 0207 467 1266

Employers' Forum
on Disability
Nutmeg House
60 Gainsford Street
London
SE1 2NY
Tel: 0207 403 3020

This document can be requested in alternative formats. Please call Rachel Hansen on: 020 8263 3823 for assistance.

This document is based on original research undertaken by Cornell University in collaboration with the IPD. A full copy of the report of this research and other similar research on employment disability non-discrimination policies and practices can be found at the Cornell University website at: www.ilr.cornell.edu/PED; a print copy of this and other research reports can be obtained by contacting Susanne Bruyere at Cornell University.
Tel: 001 607 255 7727 Fax: 001 606 255 2763 Text tel: 001 607 255 2891
E-mail: smb23@cornell.edu

Chartered Institute
of Personnel and
Development

CIPD House Camp Road London SW19 4UX
Tel: 020 8971 9000 Fax: 020 8263 3333
E-mail: cipd@cipd.co.uk Website: www.cipd.co.uk
Incorporated by Royal Charter Registered charity no.1079797

