



# RCSI

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## **RCSI Code of Practice for the Employment of People with Disabilities**

### **Policy Statement**

The Royal College of Surgeons in Ireland (RCSI) is committed to providing equality of opportunity to people with disabilities in all aspects of employment to the greatest extent practicable and accordingly RCSI aims to ensure that people with disabilities have access to employment, training, promotion and professional development within RCSI.

The purpose of this policy is to develop and sustain positive measures to encourage the recruitment, development and retention of people with disabilities and to make every effort to ensure, where practicable, the continued employment of any employee who becomes disabled while working at RCSI.

This Code of Practice should be read in conjunction with the following RCSI policies along with any other policies applicable to the employee:

- Equal Opportunities Policy
- Dignity at Work Policy
- RCSI Safety Statement
- Recruitment and Selection Policy

RCSI is committed to:

1. Ensuring that people with disabilities who apply for jobs can be confident that they will receive fair treatment and be considered solely on their ability to do the job.
2. Developing the skills and potential of employees with disabilities to the full and offering training and promotion opportunities according to their abilities and potential.
3. Providing the fullest support to any employee who becomes disabled while employed by RCSI.
4. Ensuring that RCSI will be recognised by the community as providing employment opportunities for people with disabilities.

### **Scope**

All staff in RCSI are required to take personal and individual responsibility to ensure compliance with the provisions set out in this Code.

### **Definition of Disability**

Under the Employment Equality Act 1998 (section 2), disability is defined as:

1. *the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,*
  2. *the presence in the body of organisms causing, or likely to cause, chronic disease or illness,*
  3. *the malfunction, malformation or disfigurement of a part of a person's body,*
  4. *a condition or malfunction which results in a person learning differently from a person without the condition or malfunction,*
  5. *a condition, illness or disease, which affects a person's thought process, perception of reality, emotions or judgement or which results in disturbed behaviour,*
- and shall be taken to include 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.

Section 16 (3) (a) of the Act provides that:

*"For the purposes of this Act, a person who has a disability is fully competent to undertake, and fully capable of undertaking, any duties if the person would be so fully competent and capable on reasonable accommodation (in this subsection referred to as "appropriate measures") being provided by the person's employer."*

Section 16(3) (6) of the Act provides that:

*"The employer shall take appropriate measures, where needed in a particular case, to enable a person who has a disability –*

- (i) to have access to employment,*
- (ii) to participate or advance in employment, or*
- (iii) to undergo training.*

*unless the measures would impose a disproportionate burden on the employer."*

Section 16(3) (a) of the Act provides that:

*"In determining whether the measures would impose such a burden account shall be taken, in particular, of –*

- (i) the financial and other costs entailed,*
- (ii) the scale and financial resources of the employer's business , and*
- (iii) the possibility of obtaining public funding or other assistance."*

Section 16(4) of the Act provides that in section 16(3):

*"appropriate measures", in relation not a person with a disability –*

- (a) means effective and practical measures, where needed in a particular case, to adapt the employer's place of business to the disability concerned,*
- (b) without prejudice to the generality of paragraph (a), includes the adaptation of premises and equipment, patterns of working time, distribution of tasks or the provision of training or integration resources, but*
- (c) does not include any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself;"*

## **Disclosure of a Disability**

RCSI seeks to create an environment where staff may disclose their disability with confidence of a supportive response. Disclosure of personal and medical information is confidential and information disclosed will not be provided to a third party without prior consent of the individual concerned. In instances where an individual wishes to disclose details of their disability, they are encouraged to contact the Human Resources Manager (Employee Relations) in the first instance.

## **Recruitment, Selection and Access to Employment**

RCSI is committed to equality of opportunities in employment. Recruitment and selection of staff will not discourage those with disabilities.

In support of this, the following guidelines will apply in relation to recruitment, selection and access to employment:

- **Recruitment**

RCSI will encourage applications from people with disabilities. A disability or health problem does not preclude full consideration for any position within RCSI and applications from suitable people with disabilities are welcome. All information provided by applicants will be treated as confidential.

- **Recruitment Advertisements**

All recruitment advertisements will explicitly state that RCSI is an equal opportunities employer.

- **Job Descriptions**

RCSI will identify the requirements for every position. Job descriptions should not discourage those with disabilities from applying.

- **Interviews**

RCSI will ensure that any appropriate measures needed to ensure that a candidate with a disability is not at a substantial disadvantage compared with other applicants is made.

All letters inviting candidates for interview at RCSI will state:

*RCSI is an equal opportunities employer. If you have any particular requirements for your interview, please notify the Human Resources Department at your earliest convenience*

### **Selection**

Decisions to appoint are made on the merit and suitability of the candidate and the requirements of the position in question. All candidates will be assessed on their abilities and according to objective criteria concerning the competence and qualities needed to undertake the position.

## **Integration into the Workplace**

- **Safety, Health and Welfare at Work**

RCSI is committed to providing a safe and healthy working environment for all of its employees.

Those with disabilities are not necessarily less safe at work than other staff. However, arrangements may be necessary to ensure that a person's disability does not create any hazard either for the person concerned or for others.

Where an employee's disability has an effect on his/her work practices, his/her supervisor will be informed. The Estates and Support Service Department will advise Departments heads and managers of their obligations under the Safety, Health and Welfare at Work legislation. This will include hazard identification, personal emergency egress plans etc.

The Health and Safety Manager, Colette Power will consult with each of these individuals and design an individual PEEP (Personal Emergency Evacuation Plan). A full copy of the safety statement is located on the RCSI Staff Portal and is available for inspection by all employees.

All staff that require assistance in the event of an evacuation are required to make themselves aware of the College's Safety Statement and Emergency Evacuation Procedure (HSP-13).

- ***Employees working with a Laboratory Environment***

In the event that an employee who has a disability is required to work within a laboratory environment at RCSI, the RCSI Health and Safety Manager will complete a personal risk assessment regarding the employee. The employee is involved in this assessment. The aim of the personal risk assessment is to identify the needs of the employee to ensure that he/she can work safely and effectively within the laboratory.

It is the responsibility of the employee's Principal Investigator or his/her manager to inform the health and safety manager that an employee has a disability and he/she will be working within a laboratory at RCSI. It is **imperative** and an **express requirement** that the Health and Safety Officer is notified of same **before** the employee begins work in the laboratory. An employee with a disability is not permitted to begin work within a laboratory at RCSI until the personal risk assessment has been completed and the relevant accommodations made within that environment.

### **The Working Environment**

RCSI is committed to providing staff with disabilities with the same opportunities as other staff to develop a full and rewarding career within RCSI. It is the policy of RCSI to ensure that, as far as is reasonably practicable, the working environment is such as to minimise the obstacles facing staff with disabilities.

RCSI will provide appropriate measures to ensure that an employee with a disability is not at any substantial disadvantage compared with an employee who does not have a disability.

RCSI will consult staff with disabilities on the appropriate measures and will take all steps to ensure that any appropriate measures required to perform specific job functions or meet specific requirements will be put in place.

All new buildings and alterations to existing buildings will be designed in consideration of Accessibility principles. The College will meet, and where possible, exceed the requirements of all relevant legislation and regulations.

RCSI will consult staff with disabilities about assistive devices, which might enhance their efficiency and effectiveness in performing their duties, and will adopt a positive approach to reasonable requests for such equipment.

### **Treatment of Staff with a Disability**

RCSI will support the full integration of staff members with disabilities into the College community, recognising that to ensure such integration, members of staff with a disability must be accepted by their colleagues. Individuals will be asked whether they wish their colleagues to be informed of their disability. Their wish in this regard will be respected where possible.

Line managers / supervisors will be fully informed of staff members' circumstances relating to their work environment, and with regard to any appropriate measures required. Medical confidentiality will be maintained and respected at all times.

The Human Resources Department will maintain reasonable contact with the new staff member to facilitate his/her integration into the workforce, and assist in promoting positive peer support for members of staff with disabilities.

### **Harassment**

The Dignity at Work Policy states RCSI's commitment to the promotion of a working environment which upholds the dignity and respect of staff and which supports every individual's right to work in an

environment which is free of any form of harassment, intimidation or bullying. RCSI recognises the right of every individual to such an environment and requires all staff members to recognise their responsibilities in this regard. The Policy outlines in detail the procedures to be followed where a person believes that he or she has been subjected to such behaviour.

### **Training, Promotion and Career Development**

Under the RCSI Equal Opportunities Policy, RCSI is committed to equality of opportunity in relation to the training, development, and promotion of all staff.

### **Employees Who Acquire A Disability During Their Employment**

RCSI will assist employees who acquire a disability during their employment to integrate into the environment, and, will put in place appropriate measures where practicable to enable them to continue in post or take alternative employment within RCSI.

Heads of Department and Managers are required to deal sensitively and flexibly with those individuals who acquire a disability. They should be aware of the problems that may be experienced.

### **Options For Members of Staff Who Acquire a Disability**

There are a number of possible options when members of staff acquire a disability in the course of their employment.

These may include:

- Continuing in the same post
- Redeployment
- Job Restructuring,
- Rehabilitation,
- Re-Training,
- Re-Location
- Flexible working conditions.
- Early retirement on the grounds of incapacity
- Termination of employment on the grounds of incapacity

It will be necessary to assess whether the person could continue in the same or in a similar post, what type of job might be suitable if continuing in the same post is not possible, and what appropriate measures are necessary to enable the person to continue in the same job or to undertake a different job.

### **Grievances**

Any member of staff who has a concern that this Policy is not being appropriately implemented should raise this, in the first instance, with their Head of Department/nominee in accordance with RCSI's Grievance Procedures. In instances whereby a staff member is uncomfortable about approaching their Head of Department/nominee, they should discuss the matter with the Human Resources Manager (Employee Relations).

Applicants for employment who wish to make a complaint relating to the non-implementation of this Policy should write to the Recruitment Officer.

### **Help and Guidance**

Both the Disability Service and the Human Resources Department are available to discuss any issues in relation to this Policy. For further information, please contact the HR Department on 01 4022339.