



Hard at Work

Employment and Disability
in Northern Ireland



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What are the employment prospects and experiences of disabled people in Northern Ireland?

This paper gives voice to disabled people facing difficulties in the workplace who have been supported through **Employment Advocacy** – a unique and ground breaking **peer advocacy**¹ service delivered by disabled staff and volunteers at Disability Action.

Employment challenges are not restricted to disabled people. The difficulties facing the Northern Ireland labour market are well documented – a legacy of conflict, a historic over dependence on public sector employment, combined with a lack of investment in infrastructure and economic recession². These factors have made Northern Ireland a particularly challenging place to gain employment, to stay in work or to build a career.

Things are now slowly improving, with more private sector investment and an increased air of confidence on the global stage – but is everyone seeing the dividends in job opportunities and job security?

This question is answered by exploring the law and relevant research, and by reflecting the experiences of local disabled people. Key actions are proposed by Disability Action to help achieve increased equality in employment in Northern Ireland for the future.

The Disability Discrimination Act (DDA) 1995 makes it unlawful to treat job applicants or employees with a disability less favourably than other people³. The employment provisions under the DDA apply to every aspect of employment and recruitment for employees and ex-employees.

50%

of disabled applicants

did not feel comfortable about disclosing their disability when applying for a new job



What Does the Law Say?

The law requires employers to make 'reasonable adjustments' for disabled employees or job applicants. These are reasonable steps to reduce or remove any substantial disadvantage caused by the employment practices or physical features of their premises. Any changes must be considered reasonable for the employer to make and must be effective in removing the disadvantage.

Every situation is different, based on the individual circumstances of both the employer and disabled person. It can be helpful, for example, to think about the types of changes in terms of:

- **Time** – flexibility around working times, probationary periods, training times
- **Job** – adjusting duties or targets, training/retraining, changing the way work is allocated or structured
- **People** – additional support and supervision, co-worker/mentor

- support, disability awareness training, external support services
- **Place** – transfer to a more suitable location, working from home, aids and equipment at the workplace
- **Policy and practice** – reviewing and adjusting policies such as Recruitment and Selection, Training and Promotion, Sickness Absence, Grievance and Disciplinary

The law also allows employers to take positive action measures – in effect, to treat disabled people more positively than non-disabled people. Examples of positive action might include offering:

- A guaranteed interview for disabled people
- A waiver or adjustment to essential or desirable criteria
- A work trial as an alternative to a job interview
- Ring fenced recruitment
- Pre-employment training and placement opportunities

Is the law making a difference?

There has undoubtedly been progress on equality and inclusion, and in the expectation that disabled people will take their rightful place in the workforce. Recent research found many examples of supportive employers, good practice, and real progress being made to ensure equality in the workplace⁴.

While some employers are leading the way with excellent practice and positive action recruitment, the outlook for disabled people remains extremely variable.

The picture across the United Kingdom continues to show that disabled people are disadvantaged in the workplace:

- The overall employment rate in NI is five percentage points lower than in GB. For some groups, the gap is much wider –

- 15 percentage points lower for disabled people in NI compared with GB.⁵
- 33% of disabled people are in employment, less than half the rate of non disabled people⁶
- 50% of disabled applicants did not feel comfortable about disclosing their disability when applying for a new job.⁷ Once **in employment**, disabled employees often did not feel confident about being open about their disability.⁸
- Research findings vary, estimating between 20% and 50% of people with a disability feeling that they faced discrimination in employment.⁹
- Less than half of the respondents to one survey had asked for reasonable adjustments. The reasons given for not asking for reasonable adjustments were “not wanting to draw attention to their disability” or because “it would be embarrassing.” Of those who did ask, nearly a third said they received little or no help following their requests.¹⁰

- Concerns among employers in relation to employing disabled people included perceived risks to productivity; financial and other implications of making workplace adjustments; and confusion or negative perceptions around legislation. Despite employers' concerns about perceived financial implications, a survey of over 1000 employers found that the majority provided adjustments such as flexible working patterns and hours with no associated cost increase.¹¹

- A recent survey highlighted that 40% of respondents said that the option of modified hours (such as flexible or part-time working) would be an important factor in enabling them to enter and stay in work.¹²
- Disabled people in the public sector still reported being passed over for development and promotion opportunities and being unfairly assessed in terms of their performance – suggesting that “...talent is being wasted and a culture of discontent fostered.”¹³

“I was going to be disciplined for my sickness record but I had been off due to my disability. My employer had not taken this into consideration. The stress of the situation, impacted on my disability and I had to take more time off work. I just wanted to get on with my job”

Civil Servant

What people tell us ...

People with and without disabilities are facing pressure in this difficult financial climate¹⁴, but disabled people still face additional barriers. Disability Action's Employment Advocacy Service talks regularly to disabled people who are meeting challenges in work. It focuses on early intervention to maintain good relationships between the employee and the employer, to develop positive communication, and to enable disabled people to stay in employment.

Disabled people contacting the Employment Advocacy Service tell us that they feel increasingly insecure and need information, advice and short term workplace advocacy. Often employers are just as keen as their employee to know that help is available.

Disability Action is striving to meet these needs in a challenging funding climate. Given the constraints on promoting such a small-scale project, it is likely that the numbers reported are a significant under-estimation of the numbers of people in need of advice. Over 350 disabled people have contacted the service in the last 4 years, with 74% having faced more than one issue in work.

The key challenges raised by disabled people included:

- **Reasonable adjustments**
The majority (**88%**) of queries related to reasonable adjustments in the workplace, which underlines the lack of awareness among disabled employees and their employers of their rights and responsibilities.
- **Sickness absence**
Disabled employees were worried about taking sick leave and how their employer would view their absence. Good practice and advice from the Equality Commission for Northern Ireland would suggest that disability related sick absence should be recorded separately. Few employers were aware of this guidance.

“The Employment Advocacy Service helped calm the situation down and contacted the HR Department explaining how the reasonable adjustments would assist me with very little, if any, disturbance to my job.”

Retail Assistant

- **Performance Management**

Issues faced by disabled employees included: pressure to work beyond their capability, worry that agreed reasonable adjustments were being eroded, fear that they might lose their job or be the first to be considered for redundancy. This was particularly apparent when there were changes to the job or to the impact of the person's disability.

- **Breakdown in communication**

Disabled employees were often having difficulty raising concerns with their employer and unsure how to go about it.

marked deterioration in their physical and mental health, particularly people with progressive conditions or disabilities impacted by stress. This negative downward spiral caused by stress has been referred to in research as a "vicious cycle"¹⁵.

"My employer wanted to retire me on medical grounds but I wanted to work. I didn't want to leave my job. The Advocate contacted my employer and a meeting was arranged with them and my union representative. Initially the employer was reluctant but through continued discussion reasonable adjustments were put in place. A year later I was promoted to head of my department."

Teacher

- **Other enquiries** included advice around:
 - Recruitment and selection procedures
 - Grievance/disciplinary issues
 - Unfair dismissal
 - Bullying/harassment in the workplace
 - Access to training, development and promotion opportunities

"My employer brushed my issues under the table. He didn't want to deal with the situation. I contacted Disability Action and they wrote to my employer explaining the situation and providing supporting evidence and the issue was resolved."

Call Centre Staff

- **Stress in the workplace** - disabled employees reported feeling very stressed by the issues they were facing in work. Many noticed a

"I was struggling in work. My employer had ignored my request for reasonable adjustments and I didn't know who to turn to. I felt I was banging my head against a brick wall."

Call Centre Staff

What people needed ...

Disabled people highlighted the one-to-one support provided by advocates with a similar disability or experience as unique to this peer advocacy service. They felt that there was clear understanding and awareness of those issues faced by disabled people in the workplace – **disabled people supporting disabled people** made a real difference. Peer Advocacy provided a safe and secure environment to articulate their concerns about barriers they faced in employment.

The Employment Advocacy Service is providing accurate information and advice, giving disabled employees the confidence to advocate on their own behalf where possible.

“The Employment Advocacy Service provided an independent perspective and took the emotion out of the situation by explaining the process from the employer’s perspective so that we could move forward to address the issue”

Estate Manager

Disabled people contacting the Employment Advocacy Service highlighted the things that mattered most to them:

- **Timely actions** - a quick response to what was often a crisis situation
- **Expert advice and reassurance** to allow them to feel understood and supported
- Access to the **right information** at the right time
- A balanced, **independent perspective** which helped defuse the situation and put the issue into perspective
- Help to understand the **employer’s viewpoint**
- **Early intervention** between the employee and the employer

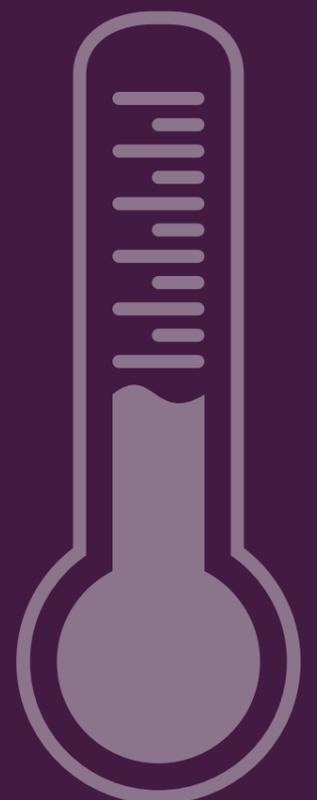
- **Open communication** - open, positive dialogue between the employee and their employer to reach a resolution. Often employers are just as keen as their employee to know that help is available
- Work to **maintain or restore good relationships** between the employee and the employer
- **Empowerment** - providing reassurance and confidence to address the issues
- Access to **other services** to support both the employer and employee

“It was a very unsettling time. I felt that no one was fighting my corner. The Employment Advocate made me realise I wasn’t on my own and this boosted my confidence to talk to my employer.”

Banking Sector

“The Employment Advocacy Service defused the situation between myself and my employer and calmed the situation down.”

Security Guard



Working together to make things better ...

There is real potential for change if we take collective responsibility to ensure that disabled people have equality of opportunity in employment. Employers, disabled people, Government departments, and the community and voluntary sector all have a role to play.

The following are actions which we can each take to build on the existing positive momentum and ensure that disabled people are part of a vibrant economy in Northern Ireland.

Taking Action ...

Employers

- **Talk to disabled employees** – avoid making assumptions, disabled employees are the experts in relation to their disability
- **Review HR policies and practices** – ensure that they comply with the law, adopt good practice and promote positive action measures for disabled people
- **Reasonable Adjustments** – be open and flexible to a range of reasonable adjustments. Reasonable adjustments are specific to individual circumstances and should not be viewed as a collective or “one size fits all” approach. Review reasonable adjustment plans on a regular basis as individual circumstances can change
- **Seek advice and support** – access the range of supports provided by disability organisations, Government departments and Trade Unions
- **Provide support and training** for employees and in particular line managers - staff on the ground are often the ones that can make a real difference
- **Change attitudes** towards employing disabled people and the positive contribution that they make in the workplace
- **Lead the pack** – promote employment for disabled people and share your good practice with the business community. Promoting inclusion is a principled stance that makes good business sense

Disabled employees

- **Seek advice and don't wait** - contact Disability Action's Employment Advocacy Service, your Trade Union, the Equality Commission or other sources of information and advice
- **Know your rights** - the Disability Discrimination Act 1995 and subsequent amendments will protect disabled people getting into and staying in work. Find out more about reasonable adjustments
- **Talk to your employer** - they may not be aware of your concerns but it is to their benefit to get any issues resolved quickly
- **Don't get stressed** - stay calm and positive. Remember most situations can be successfully resolved
- **Spread the word** - share your experiences and sources of support with other disabled people and disabled work colleagues
- **Don't give up** - there is more than one way to resolve an issue. Get advice and focus on positive solutions. If at first you don't succeed there are alternative approaches. Stick with it and go back for more advice

Government Departments

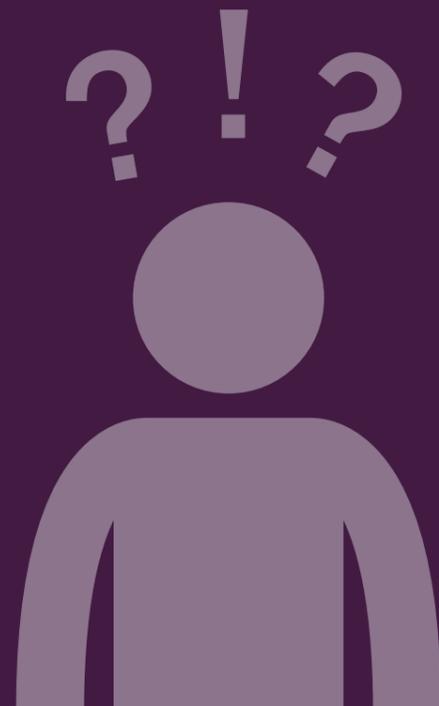
- **Engage directly with disabled people and employers** - hear their views and concerns and use that information to shape services
- **Prioritise and resource the implementation of the Employment Strategy for People with Disabilities** and establish a Disability Employment Stakeholder Forum to monitor and review the strategy
- **Raise awareness** of Government funded disability employment services such as Access to Work, Workable NI, Work Connect, Job Introduction Scheme, Condition Management Programme, and the Occupational Psychology Service to assist disabled people to access and stay in paid employment
- **Review Government services** to ensure they continue to meet the needs of disabled people and employers
- **Research** and evaluate to measure the impact of services and to inform and promote good practice
- **Be innovative** - employment and training are devolved issues in Northern Ireland. Help us to become a region of excellent practice by creating services that meet the specific local requirements of disabled people and employers

Disability Action will continue to ...

- Provide a voice for disabled people through peer advocacy
- **Secure resources** to sustain and develop the Employment Advocacy Service at a level where it has the capacity to meet the demand across Northern Ireland
- **Proactively engage with employers** to raise awareness of the Disability Discrimination Act and positive action measures
- **Raise awareness and promote** the Employment Advocacy Service and other relevant services
- **Develop resources** with Northern Ireland specific information and guidance for disabled people and employers

88% of queries

related to reasonable adjustments in the workplace, which underlines the lack of awareness among disabled employees and their employers of their rights and responsibilities.



Sources of Support

Government Services and Programmes

The Disability Employment Service¹⁶ (DES) provides a range of programmes to assist people with health issues or disabilities to find a job, as well as providing in-work support. DES also provides programmes to assist employers to recruit and retain disabled staff.

Disability Employment Programmes¹⁷

Access to Work (NI) can help job-seekers and employees with disabilities and employers who want to recruit or retain disabled people in employment. It can help overcome practical issues and contribute towards any additional approved costs.

Work Connect is a voluntary programme to support people to move from incapacity related benefits into lasting, paid employment.

The Job Introduction Scheme (JIS) is a job trial lasting 13 weeks. It offers the opportunity to try work and match the job and the skills of the disabled person.

Workable (NI) provides flexible long term support and assists disabled people who face substantial barriers to finding and remaining in employment.

The Condition Management Programme (CMP) is a work-focused health care support programme which helps people understand and manage their conditions and return to work.

The Occupational Psychology Service (OPS) provides services to people with disabilities or health conditions who are seeking work or who are experiencing difficulties in work.

Disabled people can also access mainstream Government schemes such as the Job Grant, or Travel to Interview Scheme.¹⁸

In addition, the Government part funds a number of European Social Fund projects which offer a range of local services to disabled people.

Disability Action

Disability Action's Employment and Training Services include:

- **Employment Advocacy** – advice, information and short term advocacy delivered by people with disabilities for people with disabilities
- **Job Match** – successful recruitment of disabled people by finding the “right match” for the employer and the individual
- **Workable NI** – tailored, longer term support to disabled employees and their employers
- **Training and Learning Support Services** – support to young people with disabilities in training for employment

Website: www.disabilityaction.org

Resources:

Employment Advocacy Quick Guides

- Telling an employer about your disability
- Reasonable adjustment in the workplace



**I have never
been out of
work – now
I am finding
it hard even to
get an interview.**

Disabled job seeker



References

- 1 “Peer advocacy refers to one-to-one support provided by advocates with a similar disability or experience to a person using services. Trained and supported volunteers often provide peer advocacy as part of a coordinated project. Peer advocacy schemes argue that they are particularly well placed to empathise with the needs of people, to approach them as their equals and to feel strongly about, and fight hard for, their needs” Social Care Institute for Excellence. <http://www.scie.org.uk/care-act-2014/advocacy-services/commissioning-independent-advocacy/inclusion-empowerment-human-rights/types.asp>
- 2 Northern Ireland has suffered the UK’s largest fall in household incomes and the biggest rise in poverty during the recession, according to research. Institute for Fiscal Studies on behalf of the Joseph Rowntree Foundation (<https://www.jrf.org.uk/our-work/about-poverty>)
- 3 This paper provides general information and should not be regarded as an authoritative statement of the law
- 4 Leigh Day (2014) “The Purple workforce – A report by Leigh Day into the experience of disabled people in the workforce”
- 5 Joseph Rowntree Foundation (2016), “Monitoring Poverty and Social Exclusion in Northern Ireland 2016”
- 6 Northern Ireland Statistics and Research Agency, (2016), “Quarterly Supplement to the Labour Market Report (October - December 2015)”
- 7 Leigh Day (2014) “The Purple workforce – A report by Leigh Day into the experience of disabled people in the workforce”
- 8 Kate Nash Associates April 2014), “Secrets and Big news”
- 9 Leigh Day (2014) as above
- 10 Leigh Day (2014) as above
- 11 Dewson,S., etal (2009) Organisation’s responses to the Disability Discrimination Act 2009 study (DWP) cited in Equality and Human Rights Commission Research Report 88 “Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people’s experiences”.. Nick Coleman, Wendy Sykes and Carola Groom. Independent Social Research 2013
- 12 Scope analysis of Office for National Statistics, Life Opportunities Survey: Wave 2, 2010 – 2012
- 13 Tackling health and disability-related barriers to progression within the Civil Service – Disability Rights UK Mar 2015
- 14 Northern Ireland has suffered the UK’s largest fall in household incomes and the biggest rise in poverty during the recession, according to research. Institute for Fiscal Studies on behalf of the Joseph Rowntree Foundation (<https://www.jrf.org.uk/our-work/about-poverty>)
- 15 The ill-treatment of employees with disabilities in British workplaces Fevre et al., 2013
- 16 <https://www.delni.gov.uk/topics/finding-employment/help-find-employment>
- 17 <http://www.nidirect.gov.uk/index/information-and-services/people-with-disabilities/employment-support/work-schemes-and-programmes.htm>
- 18 <http://www.nidirect.gov.uk/index/information-and-services/money-tax-and-benefits/benefits-and-financial-support/employed-or-looking-for-work.htm>

Disability Action is keen to work with disabled people, employers, Trade Unions, Government Departments and the voluntary and community sector to maintain and develop momentum on these issues.

We welcome your views and feedback.

For further information contact the Employment Advocacy Service.



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