



# EMPLOYMENT ZONE Managing Diversity in the Workplace – Disability Guide

## 1. Introduction

We want to ensure equality across all areas and are committed to equality of opportunity for disabled people in the recruitment process, within our workforce, our services and their delivery.

We're committed to eliminating discrimination, harassment and victimisation on the grounds of disability.

## 2. The Equality Act 2010

This guidance is in accordance with The Equality Act 2010, the main piece of legislation covering equalities law and protects anyone who has, or has had, a disability. Under the Equality Act, it's against the law to discriminate against a disabled person in:

<ul style="list-style-type: none"> <li>• Their terms and conditions of employment</li> <li>• Recruitment and retention.</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion and transfers.</li> <li>• Training and development.</li> <li>• The dismissal process.</li> </ul>
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You can find out about the different types of discrimination in our [discrimination factsheet](#).

The Equality Act also covers those people who associate with someone who has a disability, for example, someone who cares for a disabled family member (known as associative discrimination).

It is also discriminatory to treat someone less favourably because it is perceived that they have a disability, whether or not they do, for example refusing to appoint someone because it is thought that they are disabled when they are not (known as perceptive discrimination).

## 3. Definition of disability

The Equality Act defines a disability as:

“A physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities”.

Physical impairments include conditions such as:

<ul style="list-style-type: none"> <li>• Asthma.</li> <li>• Chronic fatigue syndrome.</li> <li>• Diabetes.</li> </ul>	<ul style="list-style-type: none"> <li>• Impaired hearing.</li> <li>• Rheumatoid arthritis.</li> <li>• Visual impairments.</li> </ul>
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Mental impairments include conditions such as:

- Learning difficulties, such as dyslexia, autism and Down’s syndrome.
- Mental health conditions, such as bipolar disorder, depression, post-traumatic stress disorder and schizophrenia.

The effects of the impairment must be long-term, which means that it must have lasted for at least 12 months or is likely to last for at least 12 months.

Progressive conditions (those that are likely to change and develop over time) are classed as a disability from when the person is first diagnosed and include conditions such as cancer, multiple sclerosis, muscular dystrophy and HIV infection.

## 4. Reasonable adjustments

If a workplace feature or practice puts an employee or job applicant with a disability at a disadvantage, we have a duty as an employer to see what reasonable adjustments can be made to remove or minimise these disadvantages.

Reasonable adjustments may include adjustments to recruitment and selection procedures, terms and conditions of employment, working arrangements and physical changes to premises or equipment. These may include:

<ul style="list-style-type: none"> <li>• Making adjustments to premises.</li> <li>• Allocating some of the disabled person’s duties to another person.</li> <li>• Transferring the disabled person to fill an existing vacancy.</li> <li>• Altering working hours.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigning the disabled person to a different place of work.</li> <li>• Allowing the disabled person to be absent during working hours for rehabilitation, assessment or treatment.</li> <li>• Providing or arranging for the provision of training.</li> <li>• Providing supervision.</li> </ul>	<ul style="list-style-type: none"> <li>• Acquiring or modifying equipment.</li> <li>• Modifying instructions or reference manuals.</li> <li>• Modifying procedures for testing or assessment.</li> <li>• Modifying performance targets</li> <li>• Providing a reader or interpreter.</li> </ul>
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What is reasonable will vary depending on the situation and the following will be considered:

- The extent to which making the adjustment would assist or benefit the person.
- The extent to which it is practicable for us to make the adjustment.
- The financial and other costs which we would incur in making the adjustment.
- The extent to which making the adjustment would impact on any of our activities.
- The availability of financial or other assistance with respect to making the adjustment.

## 5. Recruitment

### Positive about Disabled People

As a Disability Confident Employer, we guarantee to interview all job applicants who tell us that they have a disability and who meet the minimum (essential) criteria for the post. As part of this, we are also committed to:

- Working with, consulting and learning from employees, trade unions and external organisations on equality and diversity initiatives.
- Raising awareness of disability and of equality and diversity in the workplace.
- Making every effort to ensure that an employee who becomes disabled is supported to remain in employment where possible.
- Asking disabled employees at least once a year what can be done to ensure that they can develop and use their abilities at work.
- Reviewing our commitments and what has been achieved on annual basis.

We accept applications in alternative formats. We will ask disabled applicants what, if any, support is needed at interview and will measure all applicants on their skills, knowledge and competency for the vacancy in question. We will consider what reasonable adjustments could be made to assist the disabled applicant to carry out the job.

Further information is available in our [managers guide to recruitment and disability](#).

### Glasgow Supported Employment Service

We support the [Glasgow Supported Employment Service](#), a service delivered by job coaches aimed at people who have learning disabilities and want to find a full time job.

### Complaints

Complaints of unfair treatment during the recruitment and selection process will be dealt with in line with our recruitment complaints procedure.

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## 6. Training and development

All disabled employees have equal access to relevant training and development opportunities. Employees attending training are asked to advise of any requirements they may have in relation to access needs and training facilities. A range of equality and diversity e-learning courses are also available on [GOLD](#), including disability awareness.

## 7. Working for us

We will do everything we can to support employees with a disability or who develop a disability during their employment with us.

### **Time off**

Consideration will be given to requests from disabled employees for reasonable time off with pay to attend to matters relating to their disability where this can't be arranged out with core or normal working hours.

### **Health and safety**

Managers are responsible for ensuring a safe working environment for all employees, that risk assessments have been carried out where required and that fire evacuation arrangements are in place for disabled employees where appropriate. The Council's Health & Safety team can provide advice and guidance.

### **Access to Work**

Advice and financial assistance may be available through the Government grand funded Access to Work (ATW) programme. Further information can be found in the [Access to Work guide](#) or at [UK Government, Access to Work](#)

### **Attendance**

Guidance on managing absence as a result of a disability is available in [maximising attendance toolkit: managers guide to disability, mental health problems and stress](#).

### **Continued employment**

If a disabled employee is unable to continue carrying out their existing duties we will make every effort to find suitable alternative employment within the Council where possible, providing re-training where necessary.



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Where an existing employee becomes disabled, we will make every effort to facilitate them to continue in their present post and the manager will discuss any required modifications to the duties of the post. Advice may be sought from the Occupational Health Service (OHS).

Options such as a re-allocation of duties, re-training or redeployment will also be considered to enable the employee to remain in our employment. Ill health retirement and dismissal on the grounds of lack of capability may be considered where all options have been exhausted.

## 8. Consultation

We will consult with our equality groups on all aspects of equality and diversity in the workplace. In line with the requirements of the Disability Confident Scheme, we will also undertake to consult with disabled employees at least once a year about our policy and their employment needs.

## 9. Monitoring

While the Executive Director of Corporate Services will be responsible for developing, advising, implementing, monitoring and reviewing the operation of this guidance, managers will be responsible for ensuring that the terms of the policy are observed.

## 10. Equality and diversity information

Understanding the make-up of our workforce is important to us. We ask employees to consider telling us whether they have a disability and what it is. Giving us this information is voluntary and entirely confidential and can be done on [myportal](#) (or via Service HR teams for non myportal users); further details can be found on the [Equality, Diversity and Inclusion Connect pages](#).

As well as helping us to meet our legal duties, this information helps us to understand the diversity profile of people who work with us, to take action to recognise everyone's worth and support people where necessary. We publish the profile of our workforce by disability on an annual basis. Our [workforce diversity information](#) is available on the equalities pages of the Council's website.

## 11. Further guidance

Further guidance is available from service HR teams.