

At least 3% of public service jobs are for people with disabilities.

It's the law

This leaflet is for guidance only and is not intended as a legal interpretation of the Disability Act 2005.

A positive opportunity

People with disabilities are already working in the public sector and making an important contribution. Under the Disability Act 2005, public service bodies now have a duty to promote and support the employment of people with disabilities, and to ensure that at least 3% of their employees are people with disabilities. This is a positive action measure to ensure opportunities to people with disabilities to enter or stay in the workforce.

Is this just about recruiting staff with disabilities?

No. It is also about supporting staff who develop a disability in the course of their career, and enabling them to continue in work.

New definition

Under the law, the definition of disability aims to ensure this measure is focused on making a difference for the people who need it most.

So who is included?

The Disability Act 2005 defines who is covered. There are two main parts to the definition, it covers people who have:

1. an enduring physical, sensory, mental health or intellectual impairment

and

2. a substantial restriction in the capacity to hold a job, or participate in social or cultural life:

In other words, this is about jobs for people with long-term conditions of a serious kind, that may limit their chances of participation in the life of the wider community.

Which public service bodies?

The target applies to Government departments, local authorities, the health service, commercial semi-state bodies like An Post and ESB, and state agencies like Solas. There are only a few exceptions – members of An Garda Síochána, the Defence Forces and prison officers.

Monitoring compliance

In order to ensure that positive action in employing staff with a disability is part of general practice throughout the public service, there is a system to monitor compliance with these legal obligations, overseen by the National Disability Authority, who can make recommendations.

Every public body has to report to the Monitoring Committee in its parent Department by end-March every year on the number of people with disabilities employed, and on steps being taken to support staff with disabilities. Data is provided in an anonymous format so that no one is identifiable. The Monitoring Committee that includes staff, trade union and disability representatives reviews progress on achievement of the target by public bodies

who report to it. These committees report to their Minister and the National Disability Authority by end of June every year.

Overseen by the National Disability Authority

The National Disability Authority (NDA) collates the information from each Department and reports to the Minister with responsibility for Disability and Mental Health. The NDA can recommend specific action be taken where a public sector body fails to meet its employment target for two years in a row.

Employers must send in figures on the number of staff with a disability

Under the law, public service bodies are legally obliged to compile and submit statistics of how many staff with disabilities they employ, using the definition of disability in the Disability Act 2005. Collecting this information can also be an opportunity for organisations to check whether staff with disabilities are getting all the supports they need to do their jobs.

Timetable

The statistics in relation to the previous year must be compiled and forwarded to the Monitoring Committee by end March.

How will data be collected?

Your employer may ask you to fill in a form to say whether you come under the definition of disability set out in the Disability Act. This information will be kept for statistical purposes only

For new staff - When you start your job

For existing employees – A census of all employees or if you become disabled

It is your decision

While all employees are asked to complete and return the form, it is up to you to decide whether your disability comes under the definition set out above. It is also up to you to decide that you want to declare a disability.

The question you will be asked will be on the following lines:

Do you have a long-term condition (physical, sight, hearing or speech impairment, intellectual disability or mental health condition) which causes you substantial difficulties in any areas of everyday life such as work or social life or leisure or cultural activities?

I'm well able to do my job

You can answer “yes” to the question on disability status if you need some type of special assistance, accommodation or assistive technology to do your job, e.g. adapted desk or chair, JAWS software, or if you face difficulties related to your impairment in other areas of everyday life such as using facilities, socialising, travel and getting around.

What are “substantial difficulties” in social or cultural life?

These could be problems experienced in using public transport or not being able to drive because of your disability. There may be limits to where you can go or meet your friends because many venues do not have disabled access or facilities. You may have

substantial difficulty watching TV, listening to music or going to the cinema because of sight, hearing or mobility problems.

So not everyone with a disability will be included

No. The jobs target is there to help people who are likely to experience significant difficulties in certain areas of day-to-day life.

What about confidentiality?

Any information on your disability status will be strictly confidential, and under the Data Protection Acts is specially protected, and must be stored separately and securely. This information can only be used for the purposes you have been told about. Information collected in order to report the statistics of the number of employees with disabilities can only be used for that purpose.

When you leave your job, your employer will remove the information on file about your disability status, in accordance with best practice.

Putting the 3% target into law is an opportunity to firmly establish this positive action policy. It is a chance to give new opportunities to people with disabilities to enter or stay in the workforce.