Overview of UNCRPD Article 27 in Ireland

Right to Work and Employment

October 2020



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# Background to the UNCRPD Article review papers

During 2020 the National Disability Authority (NDA) developed a series of in-depth papers on individual United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) articles. These papers detail the main data available relevant to specific Articles and provides an overview of key policies, programmes, services, supports and data that exist in the Irish context. They are not a critique of what is currently in place but rather a record of what exists. Nevertheless, there are instances where certain gaps or concerns are highlighted, including those advised by the NDA or other stakeholders.

These papers were primarily developed through desk research. However, the papers were also informed by the NDA’s own work, updates and discussions at Departmental Disability Consultative Committees, the National Disability Inclusion Strategy Steering Group, and other relevant committees. They were also informed by interactions with the Disability Stakeholders Group and with persons with disabilities, particularly through participation on a range of working and advisory groups across Government Departments on areas related to NDIS actions. Given their factual nature a more direct consultation process with persons with disabilities was not conducted. However, the NDA envisages continuing to conduct periodic consultations on specific articles of the UNCRPD and related matters which will seek the lived experience of persons with disabilities individually and through their representative bodies.

The purpose of the papers are multiple. They were developed initially to support the development of the State Party report to the UNCRPD Committee. In line with the NDA’s anticipated new statutory function under the UNCRPD, ~~t~~hey are also intended to be useful to support the development by the Irish Human Rights and Equality Commission (IHREC) of the State’s parallel report to the UNCRPD Committee. They will also be used internally as reference papers within the NDA. The NDA has published these documents on our website to make them available to a wider audience to support any work underway to develop shadow reports on implementation of UNCRPD in Ireland.

The NDA sought to ensure that the information is accurate as of October 2020 but recognises that the changing nature of policies, programmes, services, supports and data will require them to be updated periodically to reflect any changes. The papers are not intended to be exhaustive but seek to provide a broad overview of the main issues of relevance to each article.

In the first instance we reviewed nine articles listed below. Five are available at [www.nda.ie](http://www.nda.ie) and the remaining four will be published shortly. These were selected to reflect some of the main topics of concern to the stakeholders noted above and to include some of the cross-cutting issues such as children and women with disabilities. It is intended that the NDA will develop further papers during 2021 focusing on a number of civil and political Articles.

* Article 6, Women with Disabilities
* Article 7, Children with Disabilities
* Article 8, Awareness Raising
* Article 19, Living Independently
* Article 24, Education
* Article 25, Health
* Article 26, Work and employment
* Article 28, Adequate Standard of Living and Social Protection
* Article 31, Statistics and Data Collection

# Introduction

The legislative framework to advance implementation of Article 27 is relatively robust in the Irish context, though concerns have been raised about the extent to which it fully complies with the UNCRPD. Employment Equality legislation not only prohibits discrimination against persons with a disability across all forms of employment, but also imposes obligations on employers to provide reasonable accommodation to persons with disabilities. Additional legal obligations are also placed on the public sector under the Disability Act 2005, including a minimum requirement that 3% of employees are persons with disabilities. The NDA has called to introduce a similar employment target within the private sector, but is unclear as to whether such a measure would be constitutionally permissible in an Irish context as a result of previous Supreme Court jurisprudence.[[1]](#footnote-1)

Following the convention text below this paper then examines the employment situation of persons with disabilities. It then looks at relevant legislation and policies. This is followed by sections on mainstream and specialist programmes, employer supports, and public and private sector employment. It then focuses on some barriers to employment of persons with disabilities through sections on discrimination in employment, vocational and occupational skills, employment transition and career advice and finally intersectional barriers and challenges.

# Convention text

Article 27 – Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:
2. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
3. Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
4. Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
5. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
6. Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
7. Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one’s own business;
8. Employ persons with disabilities in the public sector;
9. Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
10. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
11. Promote the acquisition by persons with disabilities of work experience in the open labour market;
12. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
13. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

# Type of Right

The UNCRPD includes economic, social, cultural and civil and political rights. States which ratify the Convention commit themselves to immediate delivery of civil and political rights for persons with disabilities, and to progressive realisation of social and economic rights. Article 27 is primarily an economic, social and cultural right and is being progressively realised in Ireland.

# Employment situation of persons with a disability in Ireland

## Labour Force Participation & Unemployment Rates

According to Census data from 2016, 120,775 or 36.5% of persons with disabilities aged 20-64 were in employment. This compares to 1,807,748 or 72.8% of those without a disability. The ‘disability employment gap’ is therefore 36.3%.[[2]](#footnote-2) In 2016, 43,776 persons with disabilities aged 20-64 were unemployed, a figure which includes those looking for their first regular job. The unemployment rate for persons with a disability was 26.6%, compared to 11.5% for persons who do not have a disability.

The labour force participation rate for those aged 20-64 was 82.3% for persons without a disability, compared to 49.7% for persons with a disability (Table 1). As a result, half of persons with a disability who are between 20 and 64 are not in the labour force.[[3]](#footnote-3) This compares with only 18% of persons without a disability who are outside the labour force. However, once in the labour force, people with a disability are more likely to be unemployed than persons who do not have a disability.

A 2019 European Commission Report for Ireland notes that the employment rate for persons with disabilities in Ireland is one of the lowest in the EU.[[4]](#footnote-4) It also reports that Ireland has one of the highest gaps between persons with and without disabilities. The **Comprehensive Employment Strategy for People with Disabilities** **2015-2024** seeks to increase the employment levels of persons with disabilities aged 20 to 64 from the 2011 Census figure of 33% up to 38% by 2024.[[5]](#footnote-5) The **Roadmap for Social Inclusion 2020 – 2025** aims to increase the employment rate of persons with a disability (aged 15+) from the current level of 22.3% (Census 2016) to 25% by Census 2021 and 33% by Census 2026.[[6]](#footnote-6)

Table 1: Labour force participation and unemployment rates by disability

|  | All | Persons with a disability | Persons without a disability |
| --- | --- | --- | --- |
| Total population (aged 20-64) | 2,814,930 | 331,145 | 2,483,785 |
| At work (Number) | 1,928,523 | 120,775 | 1,807,748 |
| Unemployed including looking for first regular job (Number) | 279,764 | 43,776 | 235,988 |
| Total in the Labour Force | 2,208,287 | 164,551 | 2,043,736 |
| Not in labour force including not stated (Number) | 606,643 | 166,594 | 440,049 |
| Labour force participation rate (% Rate) | 78.4 | 49.7 | 82.3 |
| Unemployment rate (% Rate) | 12.7 | 26.6 | 11.5 |

Source: Census 2016

Most persons without a disability are out of the labour force because they are looking after their home or family (45.9%), or because they are in education (32.8%). Six percent did not report that they had a disability on the Census form, but still reported being unable to work due to permanent sickness or disability. For persons who reported that they have a disability, 65% were unable to work due to permanent sickness or disability, 16% were looking after a home or family, and 9.4% were in education (Table 2).[[7]](#footnote-7)

Table 2: Reasons for not being in the labour force

|  | Persons with a disability % | Persons without a disability % |
| --- | --- | --- |
| **Looking after home/family** | 15.7 | 45.9 |
| **Retired** | 8.7 | 13.2 |
| **Student or pupil** | 9.4 | 32.8 |
| **Unable to work due to permanent sickness or disability** | 64.5 | 6.0 |
| **Other** | 1.8 | 2.1 |
| **Total** | 100 | 100 |

Source: Census 2016

## Employment Rates and Gender

Data from Census 2016 shows that both men and women with a disability were about half as likely to be working as persons without a disability of the same gender.[[8]](#footnote-8) 39% of men with a disability were employed, compared to 78.4% of men without a disability. 34% of women with a disability were employed compared to 67% of women without a disability (Table 3).

Table 3: Proportion of persons aged 20-64 with and without a disability by principal economic status and gender

| Principal economic status | Persons with a disability % Male | Persons with a disability % Female | Persons without a disability % Male  | Persons without a disability % Female |
| --- | --- | --- | --- | --- |
| **Employed** | 39.0 | 34.0 | 78.4 | 67.3 |
| **Unemployed** | 16.0 | 10.6 | 11.0 | 8.0 |
| **In education** | 4.5 | 4.9 | 5.7 | 6.0 |
| **Unable to work due to permanent illness or disability** | 33.4 | 31.5 | 1.1 | 1.0 |
| **Other** | 7.1 | 19.0 | 3.9 | 17.7 |

Source: Census 2016

## Employment & Unemployment Rates and Disability Type

Persons who are deaf or who have a serious hearing impairment have the highest percentage of people at work when compared to other disability groups at 47.3%.[[9]](#footnote-9) The lowest employment is among people with an intellectual disability at 17.3% (Table 4).

The National Platform of Self-Advocates, with the support of funding from the Irish Human Rights and Equality Commission, is conducting research on barriers to paid employment for people with intellectual disabilities from the perspective of both the rights holders and employers in three specific industries: retail, information technology and hospitality.[[10]](#footnote-10) It will also identify solutions that can best address these barriers and inform public policy and practice.

The Census also records functional limitations (difficulties people might have doing certain things). The lowest level of employment is among people who have a difficulty in dressing, bathing or getting around inside the home, and people who have difficulty in going outside the home alone.[[11]](#footnote-11)

Table 4: Employment rates for people with different types of disability

| Type of disability | Persons at work (%) |
| --- | --- |
| All persons with a disability | 36.5 |
| Deafness or a serious hearing impairment | 47.3 |
| Blindness or a serious vision impairment | 36.2 |
| Other disability, including chronic illness | 35.4 |
| Psychological or emotional condition | 27.5 |
| Difficulty in learning, remembering or concentrating | 24.6 |
| A condition that substantially limits one or more basic physical activities | 18.5 |
| An intellectual disability | 17.3 |
| Difficulty in working or attending school/college | 15.0 |
| Difficulty in dressing, bathing or getting around inside the home | 13.4 |
| Difficulty in going outside home alone | 10.9 |
| Difficulty in participating in other activities | 20.0 |

Source: Census 2016

Almost a third of persons with a disability (32.5%) report being unable to work due to permanent sickness or disability (Table 5).[[12]](#footnote-12) For persons with an intellectual disability this rises to 57.3% and among those with a condition that substantially limits one or more basic physical activities it is 54.7%. The rates are higher again among most people who report a functional limitation.

Table 5: People who are unable to work due to permanent sickness or disability by disability type.

| Type of Disability | Unable to work due to permanent sickness or disability as % of all persons with a disability |
| --- | --- |
| All persons with a disability | 32.5 |
| Deafness or a serious hearing impairment | 21.4 |
| Blindness or a serious vision impairment | 32.5 |
| Other disability, including chronic illness | 36.5 |
| Psychological or emotional condition | 40.4 |
| Difficulty in learning, remembering or concentrating | 42.8 |
| A condition that substantially limits one or more basic physical activities | 54.7 |
| An intellectual disability | 57.3 |
| Difficulty in working or attending school/college | 60.9 |
| Difficulty in dressing, bathing or getting around inside the home | 65.4 |
| Difficulty in going outside home alone | 65.5 |
| Difficulty in participating in other activities | 55.6 |

Source: Census 2016

## Not in Education, Employment, or Training (NEETS)

A person who is “NEET” is a young person usually aged 16 to 24 who is "Not in Education, Employment, or Training". According to Census 2016, the NEET rate for young persons with a disability is 23%: 24.7% for men and 21.1% for women. This is over twice the rate of young persons without a disability at 10%. The percentage in education or training is very similar in both groups (62% and 65%). The difference in the NEET rate is driven by the difference in employment levels (15% versus 25%) (Table 6).[[13]](#footnote-13)Young persons with functional and physical limitations are more likely to be NEET:

* 44% have difficulty in going outside home alone
* 43% have difficulty in dressing, bathing or getting around inside the home
* 37% have difficulty in working or attending school/college
* 36% have difficulty in participating in other activities[[14]](#footnote-14)

Table 6 – Rate of persons not in education, employment or training by disability status

|  | Persons with a disability (%) | Persons without a disability (%) |
| --- | --- | --- |
| Total aged 15-24 | 53,465 | 522,987 |
| Employment | 8,247 (15%) | 131,128 (25%) |
| Student or pupil | 32,930 (62%) | 341,858 (65%) |
| NEET | 12,288 (23%) | 50,001 (10%) |

Source: Census 2016

## Occupations and Disability

While 13.5% of the total population have a disability this varies by social class. Only 8.9% of those in the professional and managerial social class are persons with a disability compared to 23.3% in the unskilled / other / unknown group (Table 7).

Table 7: Percentage of persons in each social class group who have a disability

|  | Professional and managerial | Non-manual | Skilled manual | Semi-skilled | Unskilled/ other/ unknown |
| --- | --- | --- | --- | --- | --- |
| **% of social class with a disability**  | 8.9 | 11.3 | 12.9 | 13.7 | 23.3 |

Source: Census 2016 – note some categories are combined

This gap persists when comparing the percentage of all persons with a disability in each social class group with the percentage of all persons without a disability in each social class group. For example persons without a disability are 50% more likely to be a professional or managerial worker than a person with a disability, and half as likely to be unskilled/other/unknown as a person with a disability (Table 8).[[15]](#footnote-15)

Table 8: Percentage of all persons with and without a disability by social class %

|   | Professional and managerial | Non-manual | Skilled manual | Semi-skilled | Unskilled/other/unknown |
| --- | --- | --- | --- | --- | --- |
| **Persons** **without a disability** | 38 | 18 | 14 | 10 | 19 |
| **Persons** **with a disability**  | 24 | 15 | 14 | 11 | 37 |

Source: Census 2016 – note some categories are combined

# Legislation

## Employment Equality Acts 1998-2015

The Employment Equality Acts 1998-2015 (“the Employment Equality Acts”) prohibit discrimination, harassment and sexual harassment in both employment and in access to employment on nine different grounds, including disability.[[16]](#footnote-16) Discrimination is defined as treating one person in a less favourable way than another person in a comparable situation based on any of the nine protected grounds. Harassment is defined as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature.

The Employment Equality Acts cover all aspects of the working relationship, starting with the recruitment process, including selection arrangements, pre-employment medical screening and occupational health assessments, job adverts and the conduct of interviews.[[17]](#footnote-17) The Employment Equality Acts apply to employees and potential employees in both the public and private sectors in a wide range of employments including full-time, part-time and temporary employees.

The Employment Equality Acts provide for equal pay for like work, meaning that there is an entitlement to equal pay between persons with disabilities and persons without disabilities. Like work is defined as work that is the same, similar or work of equal value. However, employers are permitted to provide employees with a disability with a lower rate of remuneration for work of a particular description if, by reason of a disability, the amount of work done by the employee during a particular period is less than the amount of similar work done, or which could reasonably be expected to be done, during that period by an employee without a disability.[[18]](#footnote-18)

In addition to prohibiting less favourable treatment, the Employment Equality Acts legally oblige employers to take reasonable steps to accommodate the needs of both employees and job applicants with disabilities, except where to do so would impose a disproportionate burden on them. Denial of reasonable accommodation can be a freestanding cause of action under the Employment Equality Acts and amount to discrimination on the disability ground (although this is not explicit in the legislation).[[19]](#footnote-19)

Employers are not obliged to provide anything that the person would normally provide for themselves. For example, an employer would not be expected to provide hearing aids for a person with a hearing difficulty. Additionally, employers are not required to employ, retain or promote someone who will not undertake the duties or is not fully competent or capable of doing the essential duties of the job. However, in law, a person with a disability is considered fully competent and capable of undertaking any duties, if the person would be fully competent and capable when reasonably accommodated by the employer.

There are also specific exemptions for certain types of employment. A specific exemption is provided to the Defence Forces which precludes employment equality cases on the disability ground. The Employment Equality Acts also provide that it is an occupational requirement for employment in an Garda Síochána, prison service or any emergency service that persons employed therein, are fully competent and available to undertake, and fully capable of undertaking, the range of functions that they may be called upon to perform so that the operational capacity of an Garda Síochána or the service concerned may be preserved.

In **Nano Nagle School v Marie Daly[[20]](#footnote-20)**, the Supreme Court determined that where a person is not fully competent or capable of doing the essential duties and functions of the job, an employer is obliged to consider whether these tasks or duties could be redistributed. However, this is subject to the proviso that the redistribution of tasks or duties does not impose a disproportionate burden on the employer. The Supreme Court noted that the test “is one of reasonableness and proportionality”; where the redistribution of tasks is such as to effectively create a different job entirely, this would almost inevitably impose a disproportionate burden on an employer.

The Supreme Court also held that while there is no mandatory duty of consultation with an employee in each and every reasonable accommodation case, “a wise employer” will provide meaningful participation in vindication of their duty to provide reasonable accommodation. The IHREC, which intervened as an amicus curiae in the case,[[21]](#footnote-21) has expressed the view that the judgment creates “an expectation of consultation of employees on reasonable accommodation”.[[22]](#footnote-22)

Additionally, the NDA is aware that concerns have been raised about the need to amend the **Employment Equality Acts** in light of the **Employment Equality Directive 2000/78/EC**.[[23]](#footnote-23) By way of a review of decisions related to reasonable accommodation, the NDA has determined that the number of published cases concerning reasonable accommodation at the access stage is low and the number of persons with intellectual disabilities and autism taking cases under employment equality legislation is also low.[[24]](#footnote-24) The NDA has called for further research in this regard.

A recently published paper makes the case that the Employment Equality Acts are not fully compliant with the UNCRPD, and despite the existence of certain constitutional constraints, argues that existing legislation could be remodelled to comply as far as constitutionally possible with the UNCRPD.[[25]](#footnote-25)

## Disability Act 2005

The Disability Act 2005 places obligations on public bodies to meet compliance targets relating to the recruitment and employment of persons with disabilities, to report every year on the number and percentage of employees with disabilities and to take, in so far as practicable, all reasonable measures to promote and support the employment of persons with disabilities. To fulfil the latter, all government departments and offices are required to appoint a Disability Liaison Officer to assist and support staff with disabilities and their line managers through the provision of necessary information, appropriate contacts, guidance, suggestions and advice.[[26]](#footnote-26)

## Codes of Practice

There is a **Code of Practice for the Employment of People with a Disability in the Irish Civil Service** covering public and civil service employers.[[27]](#footnote-27) The Irish Human Rights and Equality Commission is preparing a new code of practice to promote greater employment of persons with disabilities, which will cover reasonable accommodations.[[28]](#footnote-28) A **Code of Practice on Sexual Harassment and Harassment at Work** gives practical guidance to employers and employees on how to prevent sexual harassment and harassment at work, including on grounds of disability, and how to put procedures in place to deal with it.[[29]](#footnote-29)

# Policies

## Comprehensive Employment Strategy for People with Disabilities 2015-2024

The **Comprehensive Employment Strategy for People with Disabilities 2015-2024** is a response by government to maximise employment opportunities and address the obstacles that occur on the pathway to employment for those with disabilities who wish to work.[[30]](#footnote-30) This strategy sets out a ten-year approach, with a view to ensuring that persons with disabilities who are able to, and want to work, are supported and enabled to do so. The six strategic priorities of the Comprehensive Employment Strategy for People with Disabilities are to:

* build skills, capacity and independence
* provide bridges and supports into work
* make work pay
* promote job retention and re-entry to work
* provide co-ordinated and seamless support
* engage employers

The Strategy detailed the implementation plan for the first three years of the strategy 2015-2018, which was considered a foundation phase. The Comprehensive Employment Strategy Implementation Group oversees implementation of the Strategy, and has an independent chair. The NDA has developed a suite of indicators to monitor the implementation of the Comprehensive Employment Strategy and publishes an annual independent assessment of progress.[[31]](#footnote-31)

Overall, the NDA acknowledges the progress that has been made in implementing the actions committed for completion or advancement under the Strategy by Departments and agencies to date. Some key achievements have included the publication of the Make Work Pay report, the introduction by the Department of Employment Affairs and Social Protection of a new Youth Employment Support Scheme, the rollout of the Individual Placement and Support (IPS) model of supported employment for persons with mental health difficulties wishing to work and the allocation of additional funding to the Ability programme.

However, progress in other areas has been slower. For instance, there is currently a gap in provision for people with high support needs, who may require an individual level of support to access and remain in work. Action 5.1 of the Comprehensive Employment Strategy seeks to achieve a ‘seamless and coordinated provision of supports’ for persons with disabilities who wish to work, including those with high support needs. This in turn requires the provision of ‘in work’ supports for some in order to allow them participate in employment. Action 5.1 has been described as a “microcosm” of the Strategy as a whole.[[32]](#footnote-32)

A cross-departmental working group developed and agreed a policy for the provision of coordinated and comprehensive supports.[[33]](#footnote-33) However, agreement on how best to test and scale both coordination and provision of these supports has not yet been achieved, and the NDA advises the aims of the policy cannot be realised without same. If this policy can be effectively implemented, it will not only benefit those with high support needs, but also persons with acquired disabilities and lifelong health conditions in the context of return to work.[[34]](#footnote-34)

A Phase Two Action Plan, covering the period 2019-2021, was published in December 2019.[[35]](#footnote-35) Some of the main actions include:

* Developing a multi-faceted programme, similar to SeeChange, to promote awareness among employers and other key stakeholders of the opportunities represented by employees with disabilities
* Developing a pilot Civil Service internship for people with disabilities that could lead to permanent positions
* Delivering the agreed policy of the CES 5.1 report and the demonstration pilots identified by the interdepartmental implementation group
* Creating a strategy that promotes and supports entrepreneurship and self-employment for people with a disability
* Providing coordinated and seamless support through the introduction of an Independent Placement Support into each of the nine Community Healthcare Organisations
* Raising awareness among employers of services and supports for the recruitment and retention of persons with disabilities through the planning and implementation of an employer information campaign
* Developing a defined programme of work on employer engagement, informed by cross-sectoral workshop outputs

### Make Work Pay report[[36]](#footnote-36)

As part of the Comprehensive Employment Strategy, the Department of Employment Affairs and Social Protection was charged with establishing an interdepartmental expert group to examine the interactions between the benefits system, including the Medical Card, the additional costs of work associated with a disability, and the net income gains in employment. The Make Work Pay report contains 24 recommendations, and a number of these have been implemented to date including:

* the earnings disregard for persons on Disability Allowance was increased from €120 to €427 per week
* a 'fast-track return to Disability Allowance' protocol has been put in place should a particular employment opportunity prove unsuitable
* the requirement that work be of a ‘rehabilitative’ nature, where a person in receipt of Disability Allowance wishes to undertake employment, has been removed
* persons with a long-term disability who take up employment will retain their Free Travel Pass for a period of five years
* a “Benefits of Work” calculator for persons with a disability is now available on the Department of Employment Affairs and Social Protection’s website to help people calculate the net benefit of entering or returning to work

However, progress on other Make Work Pay recommendations has been slower. For instance, Recommendations 9 and 10 referenced the Department of Employment Affairs and Social Protection undertaking an exploration of a reconfiguration of the Disability Allowance scheme. New entrants into the payment were to be presented with a new process of engagement designed around the principle of early intervention. The Department undertook a co-designed consultation on these recommendations in 2018 and the NDA understood that implementation of an early engagement process would commence in 2019. However, as yet, no details of the consultation report or engagement process are available.[[37]](#footnote-37)

The NDA has advised that a full update on the status of the recommendations of the Make Work Pay report would be timely, in order to consider progress since its publication in 2017, including those areas where progress has been delayed.[[38]](#footnote-38)

## Other policies

### National Disability Inclusion Strategy 2017-2021

The National Disability Inclusion Strategy 2017-2021 (NDIS) is a whole-of-government approach to improving the lives of persons with disabilities.[[39]](#footnote-39) One of the Strategy’s eight themes is employment. There are eleven actions under the “Employment” theme, which in large part mirror actions and commitments under the Comprehensive Employment Strategy and the Make Work Pay report. One of the new actions in the Mid-Term Review of the NDIS (Action 128) is that the Department of Rural and Community Development will develop initiatives to improve employment opportunities for persons with disabilities living in rural areas, including through remote working options.[[40]](#footnote-40)

### Pathways to Work

Pathways to Work 2016 – 2020 is the Government's overarching policy framework for Activation and Employment Policy.[[41]](#footnote-41) It contains a number of disability-specific actions under Strand 1: Enhanced engagement with unemployed people of working age. Actions include expanding the use of Intreo Centres, which provide mainstream employment support services, to engage with persons with disabilities and increase the number of Intreo staff trained in the provision of employment supports to persons with disabilities.

### Future Jobs Ireland

Published in 2019, **Future Jobs Ireland** is a whole-of-government framework which seeks to create a sustainable, resilient and future-oriented economy in Ireland over the years to 2025.[[42]](#footnote-42) One of the deliverables under the framework is to improve employment outcomes for persons with disabilities, including by:

* publishing the results of the consultation exercise around the recommendations on early engagement and Disability Allowance realignment from the Make Work Pay report
* developing an implementation and communications plan around applying the early engagement approach
* consulting with disability stakeholders about the implementation plan

### Action Plan for Jobless Households

This action plan sets out to extend activation services to people who are not working but are not defined as unemployed by traditional measures, and would benefit from closer attachment to the labour market.[[43]](#footnote-43) It focuses in particular on improving employment rates of households with children. The Action Plan notes that people who identify themselves as unable to work because of disability account for about 56,000 of the working-age population in jobless households.

The Action Plan refers to the recommendations of the Make Work Pay report and the expansion of Intreo services to cater for persons with a disability.

### National Skills Strategy 2025

The **National Skills Strategy 2025 – Ireland’s Future** identifies Ireland’s current skills profile, provides a strategic vision and specific objectives for Ireland’s future skills requirements, and sets out a road map for how the vision and objectives can be achieved.[[44]](#footnote-44) The Strategy refers to the high number of persons with disabilities who are unemployed and economically inactive, and contains two disability-specific commitments: to implement the National Disability Inclusion Strategy and to phase in supports to enable children with disabilities to fully participate in pre-school care and education.

### National Social Enterprise Policy for Ireland 2019-2022[[45]](#footnote-45)

The Policy sets out a series of commitments on the part of Government under three objectives to support the development of social enterprise over the period 2019-2022. These are as follows: (1) Building Awareness of Social Enterprise; (2) Growing and Strengthening Social Enterprise and (3) Achieving Better Policy Alignment. The policy document does not reference persons with a disability.

### Enterprise Ireland Strategy 2017-2020

Enterprise Ireland is the agency responsible for the development and growth of Irish enterprises in world markets.[[46]](#footnote-46)Their 2017-2020 strategy focuses “on addressing the need for greater scale across Irish enterprise”. It does not refer to persons with a disability, but does commit to implement programmes to support participation in entrepreneurship from under-represented groups.

### Investment Development Agency (IDA)

IDA Ireland (Investment Development Agency) is responsible for the attraction and development of foreign investment in Ireland. The IDA is currently developing its strategy for the period 2020-2024.

### Public Appointments Service Diversity and Inclusion Strategy

The Public Appointments Service is the centralised provider of recruitment, assessment and selection services for the civil service and is currently developing its first diversity and inclusion strategy following a consultation process. A new Diversity and Inclusion Lead was appointed to the Public Appointments Service in April 2019.

### National Policy and Strategy for the Provision of Neuro-rehabilitation Services in Ireland 2011–2015

The **Neuro-Rehabilitation Strategy 2011-2015[[47]](#footnote-47)** acknowledges the importance of work as a valuable aspect of a person’s rehabilitation. Under the strategy, community neuro-rehabilitation teams will be formed and they will develop local area networks comprised of both mainstream agencies, for instance SOLAS and Supported Employment Services, and job facilitators in the Department of Social Protection in order to coordinate service delivery and service pathways, as well as coordinate vocational rehabilitation service delivery.

# Mainstream & Specialist Programmes and Services

## Mainstream employment programmes

In 2000, the principle that Government Departments and agencies and public services should encompass persons with disabilities in their mainstream service delivery was adopted by Government, and given statutory effect by section 26 of the Disability Act 2005. However, in practice, persons with disabilities seeking employment are generally referred directly to a specialist employment service or programme, as opposed to being directed to a mainstream programme in the first instance and provided with specialist employment support if required.

### Intreo

Intreo is a service from the Department of Employment Affairs and Social Protection that provides a single point of contact for all employment and income supports. Persons with disabilities who present at an Intreo Centre are offered an interview by a case officer who will agree suitable action plans with the individual and record the action plan for the person on the case management system. This service is being provided across 60 Intreo Centres,[[48]](#footnote-48) with latest data indicating that there are 75 Intreo Centres nationwide.

The NDA recognises the progress achieved by the Department in engaging with persons with disabilities who are unemployed, including the provision of training to Intreo case officers to enable them respond to the needs of clients with disabilities. The NDA would welcome further work to expand the numbers of Intreo case officers who have this capacity, noting that some concerns have been articulated regarding experiences of some persons with disabilities in local Intreo offices.[[49]](#footnote-49)

The Department of Employment Affairs and Social Protection uses a number of contracted models to procure public employment services to supplement the service provided directly by case officers as part of Intreo, including local employment services, job clubs and JobPath providers. While persons with disabilities do avail of these schemes, it is unclear to what extent. The NDA advises that this is an area which may require further exploration.

## EmployAbility programme

The EmployAbility programme is a national employment service dedicated to improving employment outcomes for job seekers with a disability. EmployAbility participants are persons with a disability, who are “job ready”, who are able to work a minimum of 8 hours per week and who need the support of a job coach to obtain employment in the open labour market. The service is not suitable for those that have limited ability or skills. The duration of the service is 18 months.

€9.8 million was allocated to run the service in 2018. Service contracts have been entered into with 24 organisations around the state, servicing some 3000 clients (Table 9).[[50]](#footnote-50) The service seeks to maintain a caseload client to job coach ratio of 1:25.[[51]](#footnote-51) Table 9 also presents the number of people who exit EmployAbility into employment each year.

Table 9: Number of people availing of EmployAbility services and exiting into employment by year

| Year | Number of people using service | Number of persons exiting into employment |
| --- | --- | --- |
| 2010 | 2,704 | 326 |
| 2011 | 2,903 | 379 |
| 2012 | 2,762 | 631 |
| 2013 | 2,862 | 686 |
| 2014 | 2,936 | 891 |
| 2015 | 3,000 | Not available |
| 2016 | 3,095 | 920 |
| 2017 | 2,994 | 1,027 |

Source: Minister of State at the Department of Employment Affairs and Social Protection, the Department of Justice and Equality and the Department of Health with special responsibility for Disability Issues, Finian McGrath TD, **Parliamentary Question, 10 May 2018, 20678/18.**

An independent review of the EmployAbility service by Indecon consultants was published in 2016.[[52]](#footnote-52) The Indecon review found that when allowance was made for clients who dropped out or did not otherwise complete the programme (due to factors including ill health), 46.9% of clients exited the programme while in employment, and 83.3% of total exits to employment were still in employment six months after ending of support from the service (equating to 28% of total exits).

Some of the key conclusions from the evaluation were as follows:

* There is evidence of increasing demand for the service
* The service has been well received by both clients and employer organisations
* The service supports only a small cohort of clients (fewer than 3,000 at any one time) relative to the potential demand for supported employment services, while the geographical configuration of the service may not adequately reflect the location of demand
* There is a concern that inappropriate referral to the service could be contributing to increased non-completion rates and undermining potential progression outcomes
* Programme expenditure remains high relative to the quantum and sustainability of employment outcomes achieved
* Some improvement is evident over the last 3-5 years in relation to the extent of positive employment outcomes achieved by the service. However, only a small number of EmployAbility companies have achieved the targets for the employment Key Performance Indicators set out in the service agreements

Some of the key policy recommendations were as follows:

* Future funding of the EmployAbility service should be more rigorously linked to the delivery of programme performance, including the achievement of defined labour market activation outcomes, taking into account alternative procurement models
* The scope for streamlining of EmployAbility structures should be examined to maximise cost-effective delivery of services, to include possible amalgamation of companies which serve very low client numbers and maximisation of economies of scale in service provision
* Service funding and delivery should be informed by ongoing assessment of the geographic pattern of demand for supported employment services. The location of EmployAbility services should also take into account the distribution of Intreo services
* The eligibility criteria for access to the service should be reviewed to ensure that EmployAbility is targeted only at individuals for whom the service is most appropriate in a labour market activation context, and maximise the sustainable impacts of the service. This should include reconsideration of the definition of the ‘job ready’ criterion, to ensure that the service can respond to demand while avoiding inappropriate referrals

## Ability programme

The Ability programme provides funding to local, regional and national projects that focus on bringing young persons with disabilities between the ages of 15 and 29 closer to the labour market. The programme promotes positive pathways into education, training and employment for participants. Ability is co-financed by the Irish Government and the European Social Fund (ESF) as part of the ESF Programme for Employability, Inclusion and Learning 2014-2020 and has an overall budget of up to €16m from 2018 to 2021. 2,600 young people will avail of the programme over the three year period.[[53]](#footnote-53)

Ability supported 886 young persons with disabilities over 2018-2019, reaching 33% of its overall participant target. In total, 27 organisations were funded under the programme, 26 of which commenced by end of the first year.

Data provided by the Department of Employment Affairs and Social Protection reveals the following:

* The programme participants had a wide range of disabilities and 43% reported having more than one disability
* The majority of the participants on the programme were male (63%)
* While there was a relatively wide diversity recorded when it comes to participants’ education levels, for the majority of participants (58%) the highest level of educational attainment was primary schooling
* In total 426 participants were placed on vocational, living skills, personal development and ICT courses. The majority of the courses were completed during the first year of the programme
* During the first year, the programme worked with 754 employers and 278 service providers across multiple sectors and industries.

Pobal, which works on behalf of Government to support communities and local agencies toward achieving social inclusion and development, will co-ordinate a programme level evaluation aimed at evaluating the extent to which the Ability programme has met its stated key objectives. This will be a long term, summative evaluation (i.e. aimed at demonstrating outcomes rather than processes) with the main research output being completed after the conclusion of the programme.[[54]](#footnote-54)

The NDA is aware of concerns in the disability sector that Ability, like some other employment programmes for persons with disabilities, is a pilot initiative, and there is a need for planning post the lifetime of the pilot.

## Willing Able Mentoring programme

Willing Able Mentoring (WAM) is a work placement programme which aims to promote access to the labour market for graduates with disabilities and build the capacity of employers to integrate disability into the mainstream workplace. The WAM programme is run by AHEAD, the Association for Higher Education Access and Disability. Participating employers, including civil and public service employers, collaborate with WAM to offer graduates with disabilities a paid and mentored graduate internship for a minimum of 6 months. In 2018, WAM organised and supported 206 interviews.[[55]](#footnote-55) In addition, 73 placements were active and supported throughout the year. In 2016, AHEAD published “Including Graduates with a Disability in Your Workplace – Where to Start” which shares the learning from the AHEAD WAM initiative.[[56]](#footnote-56)

AHEAD also runs another initiative, GetAHEAD. It is a network of student and graduates with disabilities currently making the transition from third-level education to full time employment. GetAHEAD works to up-skill graduates with disabilities by providing training events and valuable information covering a wide range of topics and resources including interview preparation and writing a CV.

2018 expenditure on the WAM programme totalled €196,000, and €91,300 was spent on the GetAHEAD initiative.[[57]](#footnote-57)

## OWL programme

The Oireachtas Work Learning (OWL) programme is an applied learning, development and socialisation programme for young adults with an intellectual disability. The programme is a four way partnership between the Houses of the Oireachtas, WALK, KARE and the Adult Education Service of City of Dublin Education and Training Board. The HSE have provided funding for two full time on site co-ordinators to support the interns in their roles and work towards QQI qualifications.[[58]](#footnote-58)

The Department of Public Expenditure and Reform has committed to developing a pilot Civil Service internship for persons with disabilities that could lead to permanent positions.[[59]](#footnote-59) The NDA has advised that the OWL model could be applied across the wider civil and public service.[[60]](#footnote-60)

## Individual Placement Service (IPS)

Published in 2018, an evaluation report, **Steps into Work**, found that through enhanced cooperation between mental health services and employment support services, improvements could be achieved in the health and employment outcomes of persons with mental health issues.[[61]](#footnote-61) Individual Placement and Support (IPS), also known as ‘evidence-based supported employment’, is a model of supported employment for persons with mental health issues wishing to work.

IPS Employment Specialists are integrated into mental health teams to support service users to return to work and they provide individualised, time-unlimited support to both the employer and the employee. In the initial pilot, an IPS employment specialist was integrated into four HSE multidisciplinary mental health teams.

The Department for Employment Affairs and Social Protection and the HSE are collaborating to roll out the IPS model. However, as yet sustainability for the longer term is to be established, including a sustainable funding model for this project. The NDA advises the importance of a concrete, long-term plan for the continuation of this scheme.[[62]](#footnote-62)

## Youth Employment Support Scheme

The Youth Employment Support Scheme is a work experience placement programme targeted at young jobseekers aged 18-24 who are long-term unemployed or face barriers to employment. The scheme provides a three month work experience programme for young people that is extendable to six months. There is no cost to employers as the participants are paid by Intreo. The NDA has advised on potential barriers to uptake of the scheme for persons with disabilities, such as the suitability of a 30 hour week and the time it may take for young people to settle into the scheme.[[63]](#footnote-63)

The budget allocated for 2019 was €800,000 and expenditure for 2019 to end October 2019 was €539,954. According to the Department, the variance in allocation and expenditure reflects the lower than anticipated take up of opportunities among employers and young people.[[64]](#footnote-64) 713 young people have availed of the scheme since its launch in October 2018, 19 of which were young people in receipt of a disability-related payment.[[65]](#footnote-65) 13 young people in receipt of a disability-related payment have completed the programme, of whom five have gained employment with the host employer.[[66]](#footnote-66)

## Rehabilitative Training programmes

Rehabilitative Training is a training programme of typically two years and maximum 4 years duration which focuses on the development of the participants’ life skills, social skills and basic work skills that will enable them to progress to greater levels of independence and integration in their own community. Rehabilitative Training is funded by the Health Service Executive but delivery is primarily via voluntary agencies throughout the country.

Rehabilitative Training is available to people with varying profiles and support needs between the ages of 18-65 that are willing to engage and would benefit from the opportunities afforded through participation. The HSE anticipates that 2,290 persons with disabilities will avail of Rehabilitative Training in 2020.[[67]](#footnote-67)

During 2018, 439 young people between the ages of 18-23 left Rehabilitative Training. Of these:

* 217 accessed day services
* 24 continued in education
* 102 accessed training opportunities
* 9 accessed employment
* 10 accessed supported employment
* 2 commenced voluntary work / community activity[[68]](#footnote-68)

In 2019, 6.5% of people leaving Rehabilitative Training exited directly to employment and NDA advises there may be scope to increase this proportion if a national programme of relevant employment supports is put in place.[[69]](#footnote-69)

## Work or work-like activity services

In 2020, 2,513 persons with a disability are expected to receive work or work-like activity services from the HSE.[[70]](#footnote-70) The CES Phase Two Action Plan contains an action which would seek to regularise the status of current users of HSE-funded day services that are involved in elements of work that do not conform to employment and equality legislation.[[71]](#footnote-71)

## Ability to Work Fund

The Ability to Work Fund is a €1.5 million, three-year fund created by Social Innovation Fund Ireland (SIFI) in partnership with State Street and the Department of Employment Affairs and Social Protection via the Dormant Accounts Fund. Launched in November 2019, it will support not-for-profit organisations to provide training, upskilling, education and other services to 250 persons with disabilities in order to progress them along the pathway to employment.[[72]](#footnote-72)

# Employer Supports

## Wage Subsidy Scheme

The **Wage Subsidy Scheme** provides an employer with a general subsidy for any perceived productivity shortfall in excess of 20% for a person with a disability, in comparison to a colleague without a disability. The rate of subsidy is €5.30 per hour and the amount of the subsidy is based on the number of hours worked. The maximum annual subsidy payable is €10,748 per year based on a 39 hour week. Table 10 below show the amount spent on this scheme annually.

Table 10: Expenditure on the Wage Subsidy Scheme, 2012-2018

| Year | Expenditure (€ million) |
| --- | --- |
| 2012 | 10.57 |
| 2013 | 11.04 |
| 2014 | 12.59 |
| 2015 | 16.39 |
| 2016 | 19.40 |
| 2017 | 20.83 |
| 2018 (to October) | 18.55 |

Source: Minister of State at the Department of Employment Affairs and Social Protection, the Department of Justice and Equality and the Department of Health with special responsibility for Disability Issues, Finian McGrath TD, **Parliamentary Question, 4 December 2018, 50427/18.**

Table 11 shows the increase in numbers of people in employment who were supported through the scheme from 1,006 in 2012 to 2,606 in October 2018. There was a corresponding increase in employers availing of the scheme from 663 in 2012 to 1,663 at October 2018.[[73]](#footnote-73)

Table 11: Number of persons in employment supported through the Wage Subsidy Scheme, 2012-2018

| Year | Number of people |
| --- | --- |
| 2012 | 1,006 |
| 2013 | 1,159 |
| 2014 | 1,548 |
| 2015 | 2,144 |
| 2016 | 2,482 |
| 2017 | 2,669 |
| 2018 (to October) | 2,606 |

Source: Minister of State at the Department of Employment Affairs and Social Protection, the Department of Justice and Equality and the Department of Health with special responsibility for Disability Issues, Finian McGrath TD, **Parliamentary Question, 4 December 2018, 50427/18.**

Issues have been identified with certain conditions pertaining to the **Wage Subsidy Scheme**, which may dis-incentivise employers from providing certain forms of reasonable accommodations to employees with disabilities, such as part-time or reduced working hours. To avail of the Wage Subsidy Scheme, an employee must work for at least 21 hours per week.[[74]](#footnote-74) Concerns have been raised that this threshold is too high and employers cannot access the scheme in respect of employees who are working part-time below 21 hours.[[75]](#footnote-75)

Additionally, employers are only provided with assistance under the Wage Subsidy Scheme where the employee is less than 12 months in that employment. The NDA is aware of calls that the scheme should be available for those who acquire a disability after 12 months in order to provide the employer with a financial incentive to retain the employee.[[76]](#footnote-76) The NDA is concerned that the scheme, in its current form, may mitigate against employers retaining employees who have acquired a disability after one year of employment.[[77]](#footnote-77)

## Reasonable Accommodation Fund

The Reasonable Accommodation Fund assists persons with disabilities to gain access to the open labour market by providing grants for reasonable accommodations in the private sector and to support private sector employers in the employment of persons with disabilities.

The following grants are available through the Reasonable Accommodation Fund:

1. **Workplace Equipment and Adaptation Grant:** Grant assistance is available for employers of staff with disabilities who need an adapted or more accessible workplace or the purchase of specialised equipment, in order to do their job. The grant can be applied for if the person with a disability is already employed or is about to be employed. A maximum grant of €6,350 is available towards the cost of adaptations to premises or equipment.
2. **Personal Reader Grant:** If an employer hires a person who is blind or visually impaired and who needs assistance with job-related reading, they may be entitled to a grant to allow them employ a Personal Reader. Examples of situations for which the grant may be given are where:
* The individual is employed in the private sector and needs assistance with work-related reading
* Their prospects for promotion are restricted because of reading difficulties due to visual impairment
1. **Job Interview Interpreter Grant:** Under the Job Interview Interpreter Grant Scheme, the Department of Employment Affairs and Social Protection will normally pay a set fee for a three hour period to provide for the services of an interpreter to support speech or hearing impaired persons who wish to attend job interviews. Travel costs for the interpreter are paid at a fixed rate.
2. **Employee Retention Grant:** The purpose of the Employee Retention Grant Scheme is to assist private sector employers to retain employees who acquire an illness, condition or impairment which impacts on their ability to carry out their job. This scheme assists in maintaining the employability of the employee when s/he acquires an illness, condition or impairment (occupational or otherwise) by providing funding to:
* Identify accommodation and/or training to enable the employee to remain in his/her current position (maximum funding is €2,500)
* Re-train the employee so that s/he can take up another position within the company (maximum funding is €12,500)

The total spend on the fund annually and the total number of persons with disabilities accommodated through the fund are presented in Tables 12 and 13 below.

Table 12: Expenditure on the Reasonable Accommodation Fund for People with Disabilities, 2012-2018

| Year | Workplace Equipment and Adaptation Grant | Personal Reader Grant | Job Interview Interpreter Grant | Employee Retention Grant | Total |
| --- | --- | --- | --- | --- | --- |
| **2012** | 71,176 | 27,274 | 6,355 | 4,320 | 109,125 |
| **2013** | 81,724 | 27,526 | 2,767 | 0 | 112,017 |
| **2014** | 61,776 | 14,499 | 1,589 | 0 | 77,864 |
| **2015** | 58,108 | 11,866 | 3,950 | 0 | 73,925 |
| **2016** | 54,041 | 16,537 | 7,244 | 0 | 77,822 |
| **2017** | 69,254 | 31,619 | 5,714 | 0 | 106,587 |
| **2018** | 100,023 | 12,338 | 6,361 | 1,900 | 120,622 |

Source: Minister of State at the Department of Employment Affairs and Social Protection, the Department of Justice and Equality and the Department of Health with special responsibility for Disability Issues, Finian McGrath TD, **Parliamentary Question, 4 December 2018, 50434/18** and Finian McGrath TD, **Parliamentary Question, 15 January 2019, 1167/19**.

Table 13: Total applications granted under the Reasonable Accommodation Fund for People with Disabilities, 2012-2018

| Year | Workplace Equipment and Adaptation Grant | Personal Reader Grant | Job Interview Interpreter Grant | Employee Retention Grant | Total |
| --- | --- | --- | --- | --- | --- |
| 2012 | 33 | 49 | 42 | 2 | 1,26 |
| 2013 | 44 | 71 | 29 | 6 | 1,50 |
| 2014 | 36 | 49 | 18 | 8 | 1,11 |
| 2015 | 64 | 71 | 63 | 0 | 1,98 |
| 2016 | 39 | 49 | 26 | 0 | 1,14 |
| 2017 | 39 | 56 | 28 | 0 | 1,23 |
| 2018 (to Oct.) | 39 | 32 | 34 | 1 | 1,06 |

Source: Source: Minister of State at the Department of Employment Affairs and Social Protection, the Department of Justice and Equality and the Department of Health with special responsibility for Disability Issues, Finian McGrath TD, **Parliamentary Question, 4 December 2018, 50434/18.**

Research undertaken by the NDA found that there is low awareness amongst some private sector employers of the financial supports provided by the Department of Employment Affairs and Social Protection to assist in accommodating the needs of prospective and current employees with disabilities.[[78]](#footnote-78) The number of applications for and expenditure on the existing grants suggest that more could be done to publicise these financial supports and encourage their take-up.[[79]](#footnote-79)

The Employer Disability Information service have identified a number of specific issues with the individual financial supports available through the Department of Employment Affairs and Social Protection, and have also raised concerns about the overall structure of the supports. These include:

* The **Workplace Equipment and Adaptation Grant** works on a refund basis, therefore employers must invest in the equipment prior to receiving the money. This financial outlay can present difficulties for employers, especially smaller and medium sized private enterprises
* The **Job Interview Interpreter Grant** provides funding for an Irish Sign Language (ISL) interpreter at interview and induction stages but at no other time during the employment relationship[[80]](#footnote-80)
* The **Employee Retention Grant** scheme assists employers to support the re-training of an employee who has acquired a disability but doesn’t support productivity shortfalls[[81]](#footnote-81)

Additionally, the supports are only available to private sector employers. As a result, public sector employers, as well as state-funded community and voluntary organisations, are ineligible for such grant assistance.[[82]](#footnote-82)

The NDA has recommended that the Department of Employment Affairs and Social Protection consider a review of the adequacy and effectiveness of the training and financial supports available for employers to provide reasonable accommodations, including the Reasonable Accommodation Fund and the Wage Subsidy Scheme.[[83]](#footnote-83) The NDA has advised that consultation with employers, employer representative groups, persons with disabilities and disability organisations should form part of these reviews, and that the adequacy of existing levels of grant assistance should also be examined.

As part of the Phase Two Action Plan under the Comprehensive Employment Strategy for Persons with Disabilities, the Department of Employment Affairs and Social Protection has committed to undertaking a review of the Reasonable Accommodation Fund with a view to assessing how its operations could be more effective.[[84]](#footnote-84) The Phase Two Action Plan also requires the Department to raise awareness among employers of services and supports for the recruitment and retention of persons with disabilities through the planning and implementation of an employer information campaign.[[85]](#footnote-85)

Notwithstanding the outcome of these reviews, the NDA has suggested that the Department of Employment Affairs and Social Protection considers developing an information campaign to build awareness amongst employers of the financial and training supports available to provide reasonable accommodations.[[86]](#footnote-86) Such a campaign could be useful in addressing the information deficit which exists amongst some employers of the various financial supports and incentives available to them to assist in reasonably accommodating employees and employment candidates with a disability

Additionally, both the Make Work Pay report and the National Disability Inclusion Strategy require the Department of Justice and Equality, with the support of the NDA, to develop and bring forward proposals to address access to or affordability of necessary aids/ appliances/ assistive technology required for everyday living for those persons with disabilities whose entry, retention or return to work could be jeopardised by being unable to afford these items, given the level of employment income, and whose needs are not met by other schemes of assistance. The Department of Justice and Equality has convened a Working Group, which includes the NDA and persons with a disability, to develop proposals and is due to report by Q1 2021.

## Disability Awareness Support Scheme

The Disability Awareness Support Scheme, administered by the Department of Employment Affairs and Social Protection, provides funding so that private sector employers can buy in disability awareness training for staff who work with a colleague who has a disability.[[87]](#footnote-87) The purpose of the training is to deliver clear and accurate information about disability and to address questions or concerns that employers and employees may have about working with persons with disabilities. As can be seen from Table 14 the scheme is not widely used although its use has increased in recent years.

Table 14: Total applications granted and expenditure on the Disability Awareness Support Scheme 2012-2018

| Year | Total applications granted | Total expenditure € |
| --- | --- | --- |
| 2012 | 1 | 2,430 |
| 2013 | 1 | 834 |
| 2014 | 3 | 3,760 |
| 2015 | 5 | 12,967 |
| 2016 | 2 | 9,270 |
| 2017 | 11 | 62,275 |
| 2018 | 5 | 20,214  |

Source: Minister for Employment Affairs and Social Protection, Regina Doherty TD, **Parliamentary Question, 11 June 2019, 23589/19.**

There is no pre-approved list of Disability Awareness Support Scheme training providers.[[88]](#footnote-88) However, the NDA has developed guidelines for purchasers of Disability Equality Training to assist organisations with the development of their Disability Equality Training programme.[[89]](#footnote-89)

The Department has noted that the uptake of this grant has been low and intends to commence a focused policy review of the scheme.[[90]](#footnote-90) The NDA has also called for such a review.[[91]](#footnote-91)

The Employer Disability Information service raised concern that the **Disability Awareness Support Scheme** is advertised as offering funding to private sector employers to provide Disability Awareness Training for staff who work with a colleague who has a disability.[[92]](#footnote-92) The supports are also only available to private sector employers. The NDA is of the view that such training is beneficial for all staff whether they have a colleague who has disclosed a disability or not, and would have equal relevance to the public sector.[[93]](#footnote-93)

## Employer Disability Information service

The Employer Disability Information (EDI) service operated as a pilot initiative from February 2016 until January 2019. Its purpose was to provide employers with an expert peer source of advice and information on employing staff with disabilities, with a view to enhancing the confidence and competence of individual employers to employ, manage and retain staff with disabilities. The service was managed by a consortium of employer organisations - Chambers Ireland, Ibec and ISME - and was funded through the National Disability Authority.

In October 2018, the Employer Disability Information service published the results of a survey with 250 respondents, the purpose of which was to assess employers’ attitudes to employing persons with disabilities, measure the impact of the EDI project over the last two years of operation and compare results to a previous 2016 survey.[[94]](#footnote-94) The survey showed that 48% of the 250 respondents were aware of the EDI Service, which represented a 21% increase in awareness compared to 2016 results.

Recently, a grant agreement was put in place by the Department of Children, Equality, Disability, Integration and Youth with the Open Doors Initiative to implement an employer information service that will occupy the space previously filled by the EDI pilot service. €150,000 has been allocated to the service for an initial 12 month operation. The Open Doors Initiative are currently in the process of hiring a project manager for this project and will immediately begin the initial tasks of establishing an up-to-date, informative website and phone service for employers.

The NDA is working with the Organisation for Economic Co-operation and Development (OECD) to progress international research on effective approaches to employer engagement in order to guide future developments in this space.[[95]](#footnote-95)

The NDA also grant funded four organisations (AsIAm, Not So Different, WALK and Rehab Group) to develop employer awareness-raising materials that aim to promote disability confidence for employers across the public and private sectors.[[96]](#footnote-96) The training materials on ‘Inclusive Recruitment and Retention Practices’ are available to employers as interconnected modules via an eLearning portal, on each of the websites of the four partner organisations. The content covers the following topics:

* Unit 0 - Disability Awareness
* Unit 1 - Engagement
* Unit 2 - Interviews And Recruitment
* Unit 3 - Induction And Onboarding
* Unit 4 - In Work Supports

# Public and Private Sector Employment

## Part 5 process

Under Part 5 of the Disability Act 2005, public bodies are expected to achieve a statutory target of 3% for the employment of persons with disabilities in the public service. Under Part 5, each government department has a Departmental Monitoring Committee, comprising of representatives from the Department. The purpose of each of these Committees is to monitor the progress that public bodies under the aegis of their Department are making to meet their obligations under Part 5.

The 2005 Act does not set out any particular methods of counting or identifying employees with disabilities, although the NDA has previously advised public bodies about various methods that may be used. Each public body is responsible for choosing the appropriate method for counting employees with disabilities in their organisation each year. The NDA has asked public bodies to maintain consistent approaches over time where possible, to avoid any major variations in the reported data and has advised that a census of all employees, where each employee is invited to identify themselves as having a disability or not, is an important measure in identifying employees with disabilities.

Every year, public bodies complete qualitative and quantitative Part 5 forms detailing the measures they are taking to meet their obligations under the Disability Act 2005. Implementation of Part 5 is monitored on an ongoing basis by the NDA. The NDA reports each year on progress made towards the statutory target for employment in the public sector.

In 2018, 7,585 or 3.3% of all employees employed in the public sector disclosed that they are persons with disabilities.[[97]](#footnote-97) 84.3% of public bodies achieved or exceeded the 3% target. 2018 was the first year that the overall number of employees reporting a disability for the entire public sector had decreased since 2013 and showed a decline in the percentage of “reported” employees with a disability since the peak in 2015 of 3.6%.[[98]](#footnote-98)

Under the Comprehensive Employment Strategy for People with Disabilities 2015 – 2024, the Government has committed to incrementally increasing the statutory employment target, so that by 2024, a minimum of 6% of employees in the public sector will be persons with disabilities.

The NDA is aware that some persons with disabilities have highlighted the challenge of driving change in this area when there are no real sanctions for failure to achieve the minimum target provided for under Part 5. The CES Phase Two Action Plan committed to reviewing the Part 5 process to improve levels of engagement and accuracy, which the NDA has completed.[[99]](#footnote-99) The review identifies a series of actions for the next three years.

## Good practices in the employment of persons with disabilities in the public sector

In 2018, the NDA published commissioned research entitled **Research on good practice in the employment of people with disabilities in the public sector**.[[100]](#footnote-100) The research concludes that the public sector implements a number of models of good practice in the employment of persons with disabilities. The report also states that there a number of cross cutting measures which could be reflected on, including consistency of approach, and identifies issues that may require further research and exploration to support better employment outcomes for persons with disabilities. This includes identifying the type of supports public bodies will need, and the actions they could take in the coming years to reach and exceed the new target of a minimum of 6% of employees with disabilities in the public sector.

## Private sector

While the NDA is aware of calls for a minimum employment target akin to Part 5 be introduced in the private sector, at present there is no legislation mandating a quota for hiring persons with disabilities for the private sector. The total number of persons with a disability working in the private sector is not clear.

A 2018 survey, carried out by the Employer Disability Information service, of 250 employers who are members of Ibec, Chambers Ireland and ISME, found that 52% of respondents had employed someone with a disability, representing a 14% increase on 2016. The survey found that the larger the enterprise, the greater the likelihood that they employ someone with a disability:

* 1-9 employees: 38% had employed someone with a disability
* 10–49 employees: 45% had employed someone with a disability
* 50-249 employees: 52% had employed someone with a disability
* 250+ Employees: 88% had employed someone with a disability

While the 2018 survey revealed improvements in a number of areas when compared to 2016 results, some issues of concern remain. For instance, 66% of respondents were unsure whether employing someone with a disability would make their organisation more productive, 61% lacked understanding about supporting different disabilities at work and 47% were concerned about the perceived potential legal consequences if the employment of a person with a disability did not work out.

There are a number of positive initiatives currently ongoing which are designed to increase the employment of persons with disabilities in the private sector. For instance, the Open Doors Initiativeprovides opportunities to marginalised groups, including persons with a disability, into the workplace including: training, placements, apprenticeships, community supports and employment opportunities.[[101]](#footnote-101)

# Reasonable Accommodations

The Public Appointments Services (PAS) is the centralised provider of recruitment, assessment and selection services for the civil service. It provides a range of reasonable accommodations to candidates for test/interview, ranging from extra time, reader/scribe, small group or one-to-one supervised test sessions, sign language interpreters, large print, paper-based tests with paper and colour contrast and screen-reader software such as JAWS or zoom-text. PAS also has a sensory room and autism-friendly interview room.

An analysis of Clerical Officer and Executive Officer grade competitions held between 2016 and 2018 shows that 604 candidates with a disability requested reasonable accommodations from PAS. The most common disabilities disclosed are outlined in Table 15 below:

Table 15: Most common disabilities disclosed by candidates in Clerical Officer and Executive Officer grade competitions held between 2016 and 2018

| Disability / Learning Difficulty | Number | % of candidates who shared information |
| --- | --- | --- |
| Specific Learning Difficulty (e.g. Dyslexia) | 197 | 33% |
| Other | 136 | 23% |
| Hearing Impaired | 81 | 13% |
| Physical | 46 | 8% |
| Visual | 46 | 8% |
| Cerebral Palsy | 41 | 7% |
| Mental Health | 38 | 6% |
| Multiple Sclerosis | 19 | 3% |

Source: Public Appointment Service

The total number of employers in receipt of training on reasonable accommodations is not clear. Data are available on the number of private sector employers who have obtained support from the DEASP to provide disability awareness training in the workplace, which can also include reasonable accommodations.

In November 2019, the NDA published a report entitled “**Reasonable Accommodations: Obstacles and Opportunities to the Employment of Persons with a Disability**” which examined the practical obstacles in the way of a seamless reasonable accommodation process from the perspective of employers, employees and potential employees with disabilities and good practices as to how these obstacles can be addressed.[[102]](#footnote-102) The report comprised of a literature review and a review of decisions from the Workplace Relations Commission and the Labour Court relating to reasonable accommodation, as well as consultation with key stakeholders, including persons with a disability.

Key findings from the review of 82 Workplace Relations Commission and the Labour Court decisions were as follows:

* In almost 60% of cases examined as part of the Workplace Relations Commission and Labour Court review, the relevant employer was found not to have breached the requirement to provide reasonable accommodations under employment equality legislation (49/82)
* The relevant employer was deemed to have breached their obligation to provide reasonable accommodations in 40% of cases (33/82)
* The most common reason why employers were found to be in breach of the obligation to provide reasonable accommodation in the Workplace Relations Commission and the Labour Court review was for failing to comply with the procedural components of the duty. In particular, employers failed to:
* undertake sufficient enquiries to ascertain the extent of the employee’s disability and the factual position concerning the employee’s capability
* consider what, if any, special treatment or facilities may be available by which the employee could become fully capable of undertaking the full range of duties associated with his or her post
* consult with and allow the employee concerned a full opportunity to participate at each level of the process
* There were a low number of decisions concerning an alleged failure to provide reasonable accommodations at the access stage (8/82). The overwhelming majority of complaints were brought by persons with disabilities who were in employment, as opposed to those applying for employment (74/82)
* The majority of complaints alleging a breach of the reasonable accommodation requirement in the review were taken against private sector employers. Less than 25% of cases related to public sector employers. Four cases were taken against community or voluntary sector employers. In four other cases, the nature of the employment was unclear
* The most frequently cited disabilities in the review were back issues, depression, anxiety and stress, including workplace stress. There were no cases concerning persons with intellectual disabilities or autism in the review

The main findings of the literature review, the review of Workplace Relations Commission and Labour Court decisions and the consultations included the following:

* Employees can be reluctant to disclose their disability to an employer and request reasonable accommodations due to the perceived negative consequences of doing so. This sense of fear about disclosing a disability is primarily threefold: fear of being treated differently after disclosure, fear of disclosure affecting promotional opportunities and fear of being labelled. Concerns regarding disclosure can be particularly acute for those seeking access to employment and also those with a hidden disability
* Employers do not always treat requests for reasonable accommodations in an efficient manner. While delays arise from lack of proactivity on the part of employers, delays may also arise due to circumstances beyond their control. For instance, concerns have been raised about the length of time it takes the Department of Employment Affairs and Social Protection to process applications for financial grants and implement any approved measures
* Formal, written policies and procedures dealing with reasonable accommodations are extremely important in the employment context but do not always exist.
* There exists low knowledge amongst some employers about the extent of their obligation to provide reasonable accommodations under employment equality legislation. Some employers are also unaware of the types of reasonable accommodations which may be available and appropriate, for instance in the case of a person with a mental health issue. Similarly, there is low awareness amongst some persons with disabilities as to their specific rights concerning reasonable accommodation in the workplace.
* Employees and job applicants with disabilities can be denied reasonable accommodations owing to an employer’s low level of understanding and awareness of disabilities. This can have a particular adverse effect on those seeking reasonable accommodations at the recruitment stage, where discrimination can be more difficult to prove. Some employers can also have negative attitudes towards reasonable accommodations themselves e.g. an employer may consider some forms of reasonable accommodations, such as part-time or flexible working hours, as inconvenient
* There is a demand amongst employers for more training and information resources concerning reasonable accommodation and supporting employees with disabilities more generally. However, there also exists low levels of awareness about information and training supports which are currently available, including the Disability Awareness Support Scheme
* Formalised structures for periodically reviewing implemented reasonable accommodations in the workplace are lacking. For many employers, the provision of the accommodation is the end stage in the process, and there is no further consultation with the employee to determine how the accommodation is operating in practice and whether it needs to be adapted or replaced

Some of the main recommendations arising from the report were as follows:

* Both guidance and a code of practice concerning the provision of reasonable accommodations in the employment context, including the recruitment process, should be developed
* An information campaign should be undertaken to build awareness amongst persons with disabilities of their right to reasonable accommodation in the employment context
* A national awareness campaign may be of benefit in increasing understanding of the important contribution persons with disabilities make and the skills they bring to the workforce
* The Department of Employment Affairs and Social Protection could consider a review of the adequacy and effectiveness of the training and financial supports available for employers to provide reasonable accommodations, including the Reasonable Accommodation Fund, the Wage Subsidy Scheme and the Disability Awareness Support Scheme

In the context of reasonable accommodations, the NDA is aware of calls for the provision of personal assistants to be considered in employment.

The Irish Congress of Trade Unions and the Irish Business and Employers Confederation launched a “Reasonable Accommodation Passport” in December 2019. It is a written record of accommodations or workplace adjustments that have been agreed between an employee with a disability and their line manager.[[103]](#footnote-103) It is anticipated that the Passport will facilitate structured conversations about the impact of disability and what supports individuals needs in the workplace.

# Discrimination in Employment

Research undertaken by the Economic and Social Research Institute and the Irish Human Rights and Equality Commission (IHREC) shows that when persons with disabilities are looking for work, or in the workplace, the odds of experiencing work-related discrimination were twice as high compared to those without disabilities.[[104]](#footnote-104) In the 2019 Equality and Discrimination Survey module of the Quarterly National Household (QNHS) survey, 12.3% of adults with a disability reported that they had experienced discrimination in the workplace and/or while looking for work, compared to 9% of those without a disability.[[105]](#footnote-105)

Disability claims to the Workplace Relations Commission under employment equality legislation accounted for 22% of all claims in 2016, 18% in 2017[[106]](#footnote-106) and 16% in 2018[[107]](#footnote-107). Disability was the second most-cited ground of discrimination for all three years. In 2018, disability was cited as a ground for discrimination in 292 employment equality cases.[[108]](#footnote-108)

Since its establishment in 2014, disability-related queries have accounted for the highest number of queries to IHREC, the statutory body responsible for providing information on employment equality legislation.[[109]](#footnote-109) For example, in 2017, 31% of all queries under the Employment Equality Acts related to disability,[[110]](#footnote-110) whilst in 2018, this figure stood at 30%[[111]](#footnote-111). Figures released by IHREC show that 36% of employment queries from members of the public related to disability discrimination in the first half of 2019.[[112]](#footnote-112)

In the NDA’s 2017 National Survey of Public Attitudes to Disability in Ireland, the majority of respondents indicated that they would feel at ease working with someone with a disability.[[113]](#footnote-113) People were most comfortable working with persons with physical disabilities and least comfortable working with persons with mental health issues.[[114]](#footnote-114) Reasons for feeling uncomfortable about having a work colleague with a disability ranged from the suitability of work or work environment and to the belief that there would be more work for the person or their colleague, to personal discomfort and behavioural concerns.

The NDA is aware that disability groups and persons with disabilities have raised concerns regarding the persistent negative attitudes or low expectations held by some employers of persons with disabilities, and have underlined the need to build awareness of persons with disabilities as a valuable source of skills in the labour market.

## Disability Pay Gap

Drawing on 2014 EU-SILC data, research undertaken by the Academic Network of European Disability experts estimates that the disability pay gap in Ireland is 21.3%. This figure is based on annual gross employee income received by both persons with and without a disability, and does not take into account the effects of age.[[115]](#footnote-115)

# Self-Employment & Entrepreneurship

In Census 2016, 22,634 persons with disabilities reported themselves as being employers or own account workers (17,578 male; 5,056 female). Among persons without a disability 9.2% recorded themselves as being an employer or own account worker, compared to 3.9% of persons with disabilities.

Enterprise Ireland, the government organisation responsible for the development and growth of Irish enterprises in world markets, offers a range of supports to entrepreneurs and companies to start a business in Ireland and to grow into global markets. While it has supported a number of entrepreneurs with disabilities, such as Mobility Mojo, Enterprise Ireland does not maintain data on the number of persons with disabilities accessing their supports.

The **Comprehensive Employment Strategy Phase Two Action Plan** contains a commitment to create a strategy that promotes and supports entrepreneurship and self-employment for persons with a disability.[[116]](#footnote-116) To this end, Enterprise Ireland has commissioned research on good practice, supported by interviews with entrepreneurs with disabilities, and is working with their network of mentors to increase their knowledge and competencies in supporting persons with disabilities.[[117]](#footnote-117)

The NDA notes that a report published by Technological University Dublin, **Pathway to Entrepreneurship for People with Disabilities in Ireland**, outlines a series of actions to improve supports and opportunities for persons with disabilities to become entrepreneurs.[[118]](#footnote-118) This includes an awareness campaign and the creation of a tailored mentoring programme.

The **Comprehensive Employment Strategy Phase Two Action Plan** also commits to developing a pilot initiative in cooperation with other Government bodies and stakeholders aimed at enhancing the ability of job candidates with disabilities to avail of employment opportunities in Foreign Direct Investment (FDI) companies.[[119]](#footnote-119) As an initial action in 2019, the IDA surveyed top 10 FDI companies regarding their perceptions of the main barriers and opportunities to increasing the potential of persons with disabilities to avail of employment opportunities. The next phase of this project will be to develop a pilot initiative in cooperation with other Government bodies and stakeholders aimed at enhancing the ability of job candidates. The NDA recognises the role of the Department of Employment Affairs and Social Protection and Department of Education and Skills in assisting IDA with this action, and underlines that effective cross-departmental collaboration and coordination will be critical in the success of the initiative.[[120]](#footnote-120)

# Vocational Rehabilitation

Most disability is acquired during the life course rather than being present at birth. 70% of persons who acquire a disability in Ireland are of working age (18-64) when they do so.[[121]](#footnote-121) At present, vocational rehabilitation and occupational rehabilitation services are distributed between the Departments of Social Protection, Education & Skills, and Health.[[122]](#footnote-122) Services are available through HSE adult day centres, local employment and Intreo centres, the EmployAbility programme and the Specialist Training Programme of the Education and Training Boards.[[123]](#footnote-123) A range of vocational rehabilitation services are also provided by some employers, through their own resources, and through private insurers.

The NDA notes that persons with disabilities and their representative organisations have emphasised that the area of supports for those who acquire a disability while in work needs further development. Their calls include a clear pathway for rehabilitation and re-entry to work, with supports provided as necessary, including provision of emotional support and/or counselling.

In its 2008 country report, the Organisation for Economic Co-operation and Development noted that Ireland has a poorly developed vocational rehabilitation system.[[124]](#footnote-124) Research commissioned by the NDA on **International Good Practice in Vocational Rehabilitation: Lessons for Ireland** identified a number of gaps in Ireland’s vocational rehabilitation system,including:

* People are required to be unemployed or inactive before they can avail of vocational rehabilitation
* There is no systematic access to functional capacity evaluation, psychological supports or physical functional capacity building
* There is no systematic, structured pathways to timely vocational rehabilitation
* There is no formal definition of or policy on vocational rehabilitation
* There is no legal basis for current Irish vocational rehabilitation activities[[125]](#footnote-125)

The NDA has developed policy advice for a national programme of vocational rehabilitation, and plans to work with relevant departments to consider how this advice could be adopted, including exploration of a pilot approach to implementation of such a national programme.[[126]](#footnote-126)

The Health and Safety Authority, the national statutory body responsible for enforcing occupational health and safety law, compiles an Annual Summary of Workplace Injury, Illness and Fatality Statistics in Ireland. In 2018, 9,199 non-fatal injuries to workers and non-workers were reported to the Health and Safety Authority but it is unclear how many of these resulted in a person acquiring a disability.[[127]](#footnote-127) The HSA has developed a guide to assist employers to provide a healthy and safe workplace for employees with disabilities.[[128]](#footnote-128)

The NDA has developed guidance for private sector employers on “**Retaining employees who acquire a disability**”.[[129]](#footnote-129) The NDA also funded research on factors associated with return to work after stroke, which was conducted by the Royal College of Surgeons in Ireland. The main findings of the research were as follows:

* The importance of a multidisciplinary approach to assist people who have experienced stroke return to work
* Communication between healthcare professionals and employers is essential
* Gradual phased return to work was found as important in facilitating successful transition back to work
* The most common problems limiting ability to work were mental fatigue (84%), physical fatigue (78%) and difficulties thinking (78%)[[130]](#footnote-130)

# Vocational & Occupational Skills, Experience and Education

In 2019, SOLAS published a report on the numbers of persons with disabilities involved in further education and training (FET).[[131]](#footnote-131) Data collated by SOLAS illustrates that early school leaving is an issue for persons with disabilities engaged in further education and training. 2,329 learners with disabilities indicated that their highest level of formal education is primary education or below, and for 2,178 others, their highest level of formal education is lower secondary. Approximately 55.3% of learners had lower secondary or a lower level education attained prior to joining further education and training. These data mirror the results of the survey of Disability Allowance recipients, conducted in 2015. It found that:

* Only a minority reported educational attainment beyond junior secondary education (Junior/Inter/Group Certificate) or special school
* 67% of respondents stated that it was more than five years since they last took part in education or training
* 31% stated that they had never worked, 56% stated they had previously worked (full-time or part-time), and 13% said they are currently working (part-time or full-time)
* 75% mentioned their level of disability as a barrier to employment. This was cited twice as often as the next most mentioned barriers – fear of losing medical card (38%) or social welfare benefit entitlements (36%), and time spent managing health (34%)
* 35% would like to work part-time and 8% would like to work full-time[[132]](#footnote-132)

A 2017 ESRI report examined the employment transitions of persons with a disability and found that among those of working age, 82% had worked at some stage in their life but that 35% had been without work for more than four years.[[133]](#footnote-133) Compared to other adults aged 20–59 years, persons with disabilities tended to have lower levels of education; 45% had no more than the equivalent of Junior Certificate.[[134]](#footnote-134)

In 2019, the Irish Government Economic and Evaluation Service produced a paper examining the inactive working age population, entitled **The Inactive Working Age Population: A Comparison of Cohort Links to the Labour Market**.[[135]](#footnote-135) This study found that a high proportion of persons with a disability who are inactive have previous work experience (75%), although for about half of them (52%) the work experience was from over ten years ago. This means that a third of persons with a disability who are counted as inactive have been employed in the last ten years (48% of 75%). The disabled inactive population had relatively lower levels of education (52% lower primary/secondary) and predominantly worked in occupations which are likely to require a physical aspect to the work (55% in skilled trade, operatives and elementary).

The NDA has commissioned the ESRI to conduct an analysis of the skills and abilities of persons with disabilities in an employment context by reference to the specific areas of skills need or gaps in the labour market, as expressed by employers.

## Transition Year Work Experience

NDA notes that exposure to work experience can lead to paid employment and if paid employed is achieved during school years, the chances of future employment also increase.[[136]](#footnote-136) For many students, work experience or placements achieved during Transition Year are a valuable step in this process. However, the NDA notes that many students with disabilities either cannot access Transition Year, particularly those in special schools where such programmes are not available, or cannot access the work-placement modules of same. The NDA has recommended that information on the numbers of students with disabilities accessing Transition Year and any associated work-experience be collated, and that this data be utilised to highlight any gaps, and provide a baseline for further actions to be developed.[[137]](#footnote-137)

# Employment Transitions & Career Advancements

Concerns have been expressed that persons with disabilities can fall into the trap of undergoing ‘education and training’ for lengthy periods of time, and certainly to a greater extent that their non-disabled counterparts, but without converting the training into employment. Persons with disabilities and their representative organisations have raised concerns regarding challenges in managing the transitions between training or work-experience and genuine employment, with some feeling that this is due to societal attitudes, whereby persons with disabilities are viewed against a ‘charitable’ rather than a rights-based model.

## Employment Transitions

Research undertaken by the ESRI found that persons with disabilities had a lower rate of employment entry between one calendar quarter and the next, when compared to those without a disability.[[138]](#footnote-138) Expressed as a percentage of those not in employment in the initial quarter, 2% of persons with disabilities entered employment between one quarter and the next in the 2013–2015 period, compared to 8% of their counterparts without a disability. The employment exit rate, expressed as a percentage of those at work in the initial quarter, was higher for persons with disabilities in the early recovery period from 2013 to 2015 (5%), compared to 2% among those without a disability.

The research found that having a disability – even if an individual does not report any difficulty – was found to reduce the odds of moving into work by 30%. The likelihood of entering employment is particularly low for those with an intellectual disability: even controlling for level of difficulty, the odds are only about one-third of those of someone without a disability.

Persons with disabilities were found to be less likely to be in professional/ managerial occupations and were more likely to be working part-time. Even when controlling for individual and job characteristics, persons with disabilities were almost twice as likely to exit employment between calendar quarters. Taking account of other factors, including the severity of the disability, the chances of leaving a job were found to be higher among those with deafness/ hearing impairment, learning disability and psychological/ emotional disability.

In 2019, the NCSE and HSE commenced work to consider transition arrangements between HSE funded services and education, and vice versa. The NDA notes the importance of the planned expansion of this work to incorporate wider transition arrangements, e.g. between secondary school and higher/further education and/or employment.[[139]](#footnote-139) The agreed aim from this collaborative action is to pilot a transition programme in 2020 and to monitor over a two year period.

## Career Guidance

All special schools in Ireland are designated as primary schools. As guidance counselling services are only available in post-primary schools, children attending a special school do not have access to career guidance counsellors for the duration of their education. The NDA has underlined that career guidance should be for all students, including those in special education provision, and has called for the introduction of an effective model of career guidance for special education schools.[[140]](#footnote-140) More generally, the NDA has stated that career guidance for learners with disabilities should be delivered in an individually focused, person-centred way across the learner pathway.

In 2018, the Department of Education and Skills commissioned Indecon International Consultants to carry out a review of career guidance tools and information provision at post-primary level up to further and higher education.[[141]](#footnote-141) The Indecon review noted that guidance counsellors are not allocated to special schools and suggested that there is merit in policy providing enhanced provision for career guidance training for teachers in special needs schools, and also in enhancing the access of such schools to wider career guidance supports.

The NDA has advised that Indecon’s review offers limited new evidence regarding the provision of guidance counsellors allocated to special schools or mainstream school, and contained little with regard to the provision of guidance for persons with disabilities returning to education.[[142]](#footnote-142) The NDA further noted that the independent review did not address previous commitments to deliver career guidance training and provision outlined in the 2015 – 2018 Comprehensive Employment Strategy for People with Disabilities action plan.[[143]](#footnote-143)

The **Mid-Term Review of the National Disability Inclusion Strategy** commits the Department of Education and Skills to implementing relevant recommendations arising out of the Review of Career Guidance provision as they relate to learners with special educational needs, progression and participation in further education and training and higher education.[[144]](#footnote-144) To this end, the Department of Education and Skills will establish a Working Group to determine how to implement the recommendations relevant to learners with a disability in schools and special schools. The Mid-Term Review of the NDIS also commits the NDA to exploring learning from other jurisdictions on effective career guidance models for students with disabilities.[[145]](#footnote-145)

## Occupational Guidance

The HSE Occupational Guidance Service provides one-to-one advice, support and guidance to enable persons with a disability to make informed choices on training and occupational options.[[146]](#footnote-146) This service, structured differently in individual HSE areas, is accessible through local HSE disability services. The NDA is aware that concerns exist amongst some stakeholders about lack of awareness of the HSE Occupational Guidance service amongst some schools and the lack of availability of HSE Occupational Guidance services in some parts of the country.

## Career Advancement

The NDA is aware of concerns that persons with disabilities – and particularly those with intellectual disabilities – can miss out on career progression, as there can be a feeling that they should be grateful to have a job, and little attention is paid to on-going training and development. Some stakeholders have stated that the availability of a peer mentor can be beneficial as a way of encouraging individuals with disabilities to consider promotional or development opportunities, and to raise their own expectations in this regard.

An analysis of Part 5 reports carried out as part of research on good practices in the employment of persons with disabilities in the public sector did not yield any evidence that public bodies used job mobility/career progression policies to support employees with a disability.[[147]](#footnote-147) Public bodies appeared to be unaware of models of good practice in this area. A small number of interviewees and focus group participants referred to examples of their organisations supporting employees to progress their careers, while survey respondents did not provide evidence on any specific career development process in their organisations, other than training.

# Apprenticeships

The **2016-2020 Action Plan for Apprenticeship and Traineeship** included a commitment to review pathways to participation in apprenticeship in Ireland.[[148]](#footnote-148) In November 2018, SOLAS, the Further Education and Training Authority, published a **Review of pathways to participation in apprenticeship**.[[149]](#footnote-149)

The Review found that persons with disabilities are underrepresented in apprenticeships. In 2018, 423 apprentices, out of a population of 14,953 apprentices, disclosed that they had one or more disabilities.[[150]](#footnote-150) This equates to 2.8% of the full cohort of apprentices across all SOLAS programmes. A majority of these, 273 apprentices, or 64.5% of the total, identified themselves as having dyslexia. A further 10% identified other disabilities related to learning, while 28% did not specify what disability they had. Physical, hearing or visual disabilities were very much in the minority.

In terms of the distribution of apprentices who declared a disability across sectors: the largest numbers were on programmes in the electrical and construction sectors, with 97 and 96 apprentices respectively. This is closely followed by 88 apprentices on motor-related apprenticeships. 61 engineering apprentices declared a disability, with five in the hospitality sector, three in financial services, two in both auctioneering and ICT, and one in logistics.[[151]](#footnote-151)

Participants in the review suggested that there is considerable non-disclosure of disabilities among apprentices, due to the possible negative consequences of doing so. It was suggested that non-disclosure may explain the low numbers of apprentices declaring a disability and that the figures may be masking a higher number of apprentices who have decided that, notwithstanding the struggles they may have in successfully completing their training, it is safer for their careers and immediate training prospects not to disclose a disability.[[152]](#footnote-152)

One of the challenges identified to the inclusion of persons with a disability in apprenticeships is the significant manual element to many apprenticeships, particularly in the construction, electrical, motor and engineering areas and the practical barriers to accommodating apprentices who might for example have mobility issues, or have a visual or hearing impairment.[[153]](#footnote-153)

The Review identifies five areas of action, one of which is to increase participation in apprenticeship by diverse groups. There are a number of recommendations designed to increase the number of apprentices with disability including:

* Setting a baseline for disability and socio-economic targets in 2019, with targets for 2020 and thereafter
* Incorporating the national Census questions on disability and ethnicity into apprentice registration as a means of gathering more robust data on participation
* Increasing practical supports for apprentices from under-represented groups, working with training providers, consortia and employer representative groups
* Examining options to extend the bursary scheme (originally intended toencourage specific sectors to employ female apprentices) to include persons with disabilities[[154]](#footnote-154)

The Comprehensive Employment Strategy Phase Two Action Plan states that SOLAS will support Education and Training Boards in reviewing traineeship provision to ensure its accessibility to persons with disabilities.[[155]](#footnote-155)

# Intersectional Barriers and Challenges of Persons with Disabilities

## Ethnic and Racial Minorities

A 2004 study, commissioned by the former Equality Authority, and entitled **Minority Ethnic People with Disabilities in Ireland**, explored the situation, identity and experiences of black and minority ethnic persons with disabilities in Ireland.[[156]](#footnote-156) The report identified a number of barriers facing minority ethnic persons with disabilities in seeking to participate in the labour market and access employment. These included the low expectations of persons with disabilities held by minority ethnic communities and by wider society, as well as physical barriers to accessing education and employment. For minority ethnic persons with disabilities, additional barriers included language barriers and exclusion from social networks.

Research undertaken by the ESRI, based on figures from the 2011 Census, show that 9% of all Travellers over 15 years were unable to work due to permanent sickness or disability, more than double that of the general population (4%).[[157]](#footnote-157) In addition, 12% of Travellers aged 25–64 years and living in private households were unable to work due to illness or disability, compared to 5% of non-Travellers.[[158]](#footnote-158)

## Women with Disabilities

According to the National Women’s Council of Ireland (NWCI), women with disabilities often face particular obstacles when trying to navigate their way through the world of paid work because of both their gender and disability. The NWCI have stated that the disadvantaged position of women in society in general, including segregation into specific sectors, and concentration in low-paid, part-time jobs, is doubly reflected in the labour market experiences of disabled women.[[159]](#footnote-159)

Some of the issues identified by the NWCI in the employment context include lack of adequate supports for women’s central role in caring and family responsibilities; lack of suitable childcare for mothers of disabled children; assumptions that disabled women are being taken care of by someone else and therefore don’t really need to work; lack of acceptance that women with disabilities have a right to access paid work and; traditional gender-based expectations of suitable work for disabled women.

However, previous research demonstrates that disability and gender can interact in a way that results in unexpected outcome. While it may be logical to assume that if women and persons with a disability are disadvantaged in terms of labour market participation, then women with a disability are ‘doubly disadvantaged’, an analysis of the 2006 Census shows that this is not necessarily the case: the gender gap in labour market participation among persons with disability was smaller than expected, given the overall patterns by gender and by disability.[[160]](#footnote-160)

The ESRI research also found that the labour market participation rate for men with a disability increased slightly between 2004 and 2010 whereas that of women with a disability fell slightly. This is the opposite pattern to that found among people without a disability: when controlling for education and other characteristics, women’s labour force participation increased slightly between 2004 and 2010, whereas men’s labour force participation fell. Unemployment increased between 2004 and 2010 for people with a disability and people without a disability. The overall rate of increase was similar for the two groups, and in both cases the increase in unemployment was sharper for men than for women.

# Conclusion

The Comprehensive Employment Strategy for Persons with Disabilities 2015-2024, together with the Second Phase Action Plan 2019-2021, provide a concrete programme of action to support enhanced employment and career opportunities for persons with disabilities. The NDA advises that the Strategy and accompanying Action Plan must be fully implemented in order to ensure greater numbers of persons with disabilities can have access to, remain and progress in employment.

The NDA notes that there are a range of innovative employment programmes to enable persons with disabilities to attain vocational skills and have access to, remain and progress in employment. These include the EmployAbility programme, the Ability programme and the IPS model of support. However, some of these are pilot or once-off initiatives, and it is unclear whether or not they will be sustained into the future. In addition, the NDA advises that two primary gaps under Article 27 include the absence of a seamless and coordinated provision of supports’ for persons with disabilities with high support needs who wish to work, as well as a national programme of vocational rehabilitation. The NDA would also welcome further research on the experiences of persons with disabilities utilising mainstream employment services, such as local employment services, job clubs and JobPath providers.

The issue of reasonable accommodations for employees and jobseekers with disabilities is one which is repeatedly brought to the attention of the NDA. NDA research on this topic has revealed that employers require greater resources, information and guidance on the provision of reasonable accommodations to persons with disabilities. The research also underlined the importance of ensuring that employer supports and financial grant schemes, which assist employers to provide such accommodations, are fit for purpose.

Finally, the NDA notes that research, data and the lived experience of persons with disabilities underscore the reality that discrimination against persons with disabilities in the employment context persists, with particular concerns for those seeking access to employment. Additional action is required in this regard, including through awareness-raising measures highlighting persons with disabilities as a valuable source of skills. Meaningful career progression for persons with disabilities is also an area which requires additional focus.

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