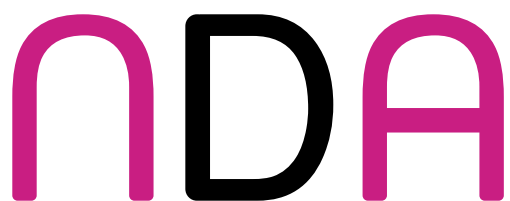




 **Retaining
employees
who acquire
a disability**
A guide for employers



Údarás Náisiúnta Míchumais
National Disability Authority

This document is to provide guidance and does not offer a legal interpretation of any Act

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Key steps:

Retaining employees who acquire a disability

Having clear written policies will help you implement the following key steps:

- **Early intervention:** Offer appropriate supports from the early stages of absence from work
- **Keep in touch:** When a person is off work, ensure that they are kept up to date with social activities and other events at work. Check that they are comfortable with such regular contact
- **Return to work assessment:** When the person is due to return to work, give their doctor and your occupational health doctor a detailed job specification in order to assess what tasks the employee is able to do on their return, and any special requirements they may need to do their work
- **Return to work plan:** Develop a return to work plan based on the above assessment. This plan should detail what happens in the initial period on return to work and how any potential difficulties might be managed
- **Reasonable accommodation:** Before they return to work, discuss with the person what supports they may need to do their job, for example, assistive technology, flexible working hours. Ensure these supports are in place when they return to work
- **Option for phased return:** A person may need some time to resume the full range of tasks. Before they return to work, agree with them what the transitional arrangements will be, and how they will be reviewed

- **What to tell colleagues:** Ask the person what they would like their colleagues to know about their disability. Discuss your joint approach to this
- **Reintegration into work:** Train line managers so they are able to offer the appropriate supports to a colleague with a disability and to help the person reintegrate into the social life of the workplace
- **Progressing a career:** Continue to encourage and support the person to develop and to pursue their career goals
- **Performance management:** The work performance of an employee who has acquired a disability should be managed and evaluated against their work goals
- **Redeployment:** Where someone with a disability can no longer do their original job, consider the option of redeployment to a suitable vacancy

Introduction

This guide provides employers with information about how to help employees who have acquired a disability to stay in work. As with any guidance, the information should be tailored to suit the structure of your individual organisation. Some organisations have a human resource department or personnel manager. In other organisations, the human resource function may be the responsibility of another manager along with other duties.

This guidance is based on research evidence and good practice. The guidance is intended to be useful to workplaces of any size. As organisations differ in size, in structure and in other ways, a good return to work policy will be specific to an individual organisation's needs.

Acquiring a disability

It is likely that over the course of their working lives that some of your employees may acquire a disability. This may be due to the onset of illness, to an accident or for other reasons. The two most frequent reasons for long-term absence from work are musculo-skeletal problems such as back pain, and mental health issues such as depression and anxiety. In most cases, the person will be capable of continuing to work, provided some simple steps are taken.

Often the steps you need to take to support an employee with an acquired disability to stay in work are very simple, do not take a lot of effort, and may cost little or nothing. Retaining experienced and skilled staff that know your business saves you the cost of hiring and training a temporary or a new employee and makes good business sense. You have certain obligations as an employer, and there are employer supports that can assist you.

Creating and maintaining an inclusive workplace that promotes and supports diversity is a key element in retaining employees who acquire a disability.

It is also important to develop policies and systems that guide you and your staff in what actions are necessary if an employee acquires a disability. Employers and line managers play a key role in setting the policies, in providing the lead, and in delivering the practical systems and supports required by employees who develop a disability. You should train the relevant staff – your human resource person, the individual’s line manager, and co-workers – in how to put those policies into practice.

This guide provides you with information on all of the above steps. It also has a **useful contacts** section at the end. This gives a list of organisations where you can source more detailed information and advice should you need it.

Employer obligations

Key legal provisions

Employment Equality Acts

- You cannot discriminate against employees by treating them less favourably in employment, training or promotion on the basis of their disability. This includes a previous or present disability. You cannot dismiss someone on grounds of disability if they can do the essential duties of the job
- An employer is 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. 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
- You must take reasonable steps to accommodate the needs of employees with disabilities, except where to do so would impose a disproportionate burden on you. Factors to be taken into account in relation to disproportionate burden include in particular:
 - The financial and other costs entailed in providing the accommodation
 - The resources available to the employer's business
 - The possibility of obtaining public funding or other assistance

- You are not obliged to provide employees with equipment they would normally provide for themselves, for example reading glasses, hearing aids
- You should ensure employees are not harassed on the basis of their disability

For more information on the Equality Acts, see <http://www.equality.ie>

Unfair dismissals and minimum notice

- A dismissal is presumed to be unfair unless there is substantial evidence for dismissing an employee. A dismissal may be deemed fair if it is based wholly or mainly on one of the following grounds and has been effected in accordance with fair procedures:
 - Capability, competence or qualifications for the job
 - Misconduct (in which case disciplinary procedures will be important)
 - Redundancy
 - Where the continuance of employment would contravene another legal requirement
 - Where there are other substantial grounds

You must provide employees, who have been with you for 13 weeks, with minimum notice of leaving your employment. For more information on unfair dismissal and minimum notice see <http://www.employmentrights.ie>

Employer supports

There are many supports available for employers to assist them in employing and retaining employees with acquired and existing disabilities. FÁS provides the following key supports.

Reasonable accommodation fund

Supports provided by this fund include:

- **Employee retention grant**
This grant helps employers in the private sector to retain employees who have acquired a disability, whatever its cause. There is 90% funding for specialist support to identify what adjustments, accommodations or training is needed to enable the employee remain in their current job or to retrain them to take up another position within the organisation, in other words to develop an individual 'retention plan' for the person. There is also 90% funding towards implementing the retention plan. The funding is subject to a generous ceiling
- **Workplace equipment and adaptation grant**
This grant is available to employers in the private sector who need to adapt equipment and/or the workplace to accommodate an employee with a disability
- **Personal reader grant**
This grant provides funding to private sector employers to employ a personal reader to help a blind or visually impaired person in their work. The grant is paid based on a fee per hour based on the minimum wage

For more information on the reasonable accommodation fund see <http://www.fas.ie>¹

Wage subsidy scheme

This is a financial assistance scheme paid to employers to encourage them to employ people with disabilities. For more information, see <http://www.fas.ie>

Supported employment programme

Job coaches can assist people with disabilities in open market employment. The supports are tailored to the individual's needs, and are time-limited. See <http://www.fas.ie> and <http://www.iase.ie>

Specialist advice

The individual disability organisations and disability umbrella bodies listed at the back of this guide are a good source of expertise on supports, equipment and technologies that assist people with a particular condition to do their job. Reference to these and other organisations will also be made throughout the guide.

Partial capacity benefit scheme

The partial capacity scheme will be introduced before the end of 2011. This scheme will allow people receiving certain disability or illness social welfare benefits to work and still receive a proportion of their benefits. That proportion will be dependent on the extent to which their disability affects their employment capacity. This scheme is applicable to:

- People on illness benefit for at least 6 months
- People on invalidity pension

This new social welfare provision will give employers more opportunities to retain people with acquired disabilities who are able to work.

For further information see <http://www.welfare.ie>.

¹ Department of Social Protection (2011) Supports for people with disabilities and employers <http://www.welfare.ie/EN/Publications/SWI31/Documents/SWI31.pdf>

Focus on capacity

Your policy and practice should focus on people's capacity to do the job, where they have appropriate supports. The initial reaction to a loss of sight or hearing, or the onset of limited mobility, may be that someone is no longer capable of doing their job. However, with appropriate rehabilitation, and with relevant assistive technology, most people will be able to continue to work.

Many people can continue to work at their old job, with perhaps some modification to their workstation or equipment, or minor changes to work tasks. Others may be able to work in new roles. If you focus on what people can do, and on what you can do to enable people to work to their full potential, you can maximise the numbers who continue in work.

This approach tends to foster staff loyalty and engagement with your company. Employees who feel appreciated and supported in the workplace tend to be more productive and are more likely to return to work after acquiring a disability.

Your sick pay scheme may presume that a staff member is either fully capable of work, or else fully incapable of work. You should review the terms of the scheme to provide for a situation where someone is partially capable of work.

Formal policies

It is good practice to set out in written policies the steps you will take to support employees with acquired disabilities to return to and remain in work. Written policies provide guidance to you, your human resource person and your employees.

Your workplace policies

What these policies should cover:

- Accommodating disability for example through changes to working hours, modified duties, adapted work stations or assistive technology
- Accessibility of your premises to people with disabilities, such as the provision of ramps, accessible toilets, and designated parking bays
- Flexible working
- Practice and procedures relating to illness and sick absence
- Return to work after an absence

You should review your suite of workplace policies in these areas, update them, and fill any gaps.

Your workplace policies should form a clear and integrated whole. You should aim for a system which supports a staff member from the early stages of developing a condition, through any treatment, and in their return to work. Integrate your job retention policy with your sick leave policy.

A phased return to work can benefit earlier recovery. Check that your policies and procedures allow for this. Review the terms of your sick pay scheme if they militate against a phased return to work.

Organisations that provide employers with advice on different policies are:

- Irish Small and Medium Enterprises Association (ISME), <http://www.isme.ie>
- Irish Business and Employers' Confederation (IBEC), <http://www.ibec.ie>
- Chartered Institute for Personnel Development (CIPD), <http://www.cipd.co.uk/branch/ireland/>

If your work place has a trade union you should consult with them about your workplace policies to ensure that they cover all work situations. You may also find it useful to contact the Irish Congress of Trade Unions (ICTU), see <http://www.ictu.ie> for further advice and information.

Key policies

- **A health and wellbeing policy:** This is your set of policies and actions to safeguard, support and promote the physical and mental wellbeing of your staff in the workplace. For further information see the Health and Safety Authority's guide **Employees with disabilities – an employers' guide to implementing inclusive health and safety practices for employees with disabilities** at <http://www.hsa.ie>. A free online toolkit for managing your employees' wellbeing in the workplace is available at <http://www.managingwellbeing.com/guides>
- **Employee assistance programme:** confidential supports and guidance available to employees who may be experiencing difficulties in or outside of work. This may be provided in-house or contracted to an outside body. If your company does not have an employee assistance programme, you may find this free online toolkit useful. See <http://www.managingwellbeing.com/guides>. The **useful contacts** list at the back of this guide should also be available to your employees so that they can get in touch with the appropriate organisations in confidence

- **Absence management policy:** This is in relation to employee absences (including sick leave), how it is monitored, any extended leave arrangements, and the arrangements for contact between the workplace and the absent employee. Effective absence management policies will assist you in supporting and retaining employees, who are on extended leave of absence, and will improve the day-to-day running of your organisation

These policies should also outline your processes to assist an employee to return to work after an extended period of absence. Research shows that appropriate contact between an employer and an employee may assist an employee to return to work and is therefore of benefit to both.² Our section on early intervention and keeping in touch provides more detailed information on this process.

The UK Employers' Forum on Disability has produced a line manager's guide on **Attendance Management and Disability**. For further information see <http://www.efd.org.uk/publications/featured-publications>

- **Adjustment policy:** This sets out your policy to deal with a period of adjustment into work or readjustment on return to work. Adjustment periods may vary from one situation to another. The policy should provide for regular review of progress, and review of any issues arising during the adjustment period. It may be helpful during this period to arrange more frequent meetings between an employee and their line manager
- **Equality policy:** This policy sets out the measures you have in place to ensure that every member of staff is treated equally. This policy should include procedures to accommodate someone with a disability to do their work, and how to evaluate requests for such accommodations. It should outline examples of the kind of accommodations to be offered such as assistive technology, modified duties or more flexible hours. It should also have a built-in review process to identify any changes in what is required, and examine the effectiveness of the accommodations in place
- **Reassignment policy:** Outlines the conditions and procedures to be followed if an employee is to be reassigned to other duties, for example after an occupational health assessment

2 Shift Line Managers Web Resource
<http://www.shift.org.uk/employers/lmr/keepingintouch/>

Your policies should set out clearly the respective responsibilities and duties of care of the employer and the employee. These would include:

- The employer's responsibility to maintain a safe and healthy workplace
- The employee's duty to cooperate and to take reasonable steps to be fit for work

It is useful to set out clearly in your employee policies, the circumstances where an employee may be asked to consult the company's occupational health specialist, for example:

- Following any accident in the workplace
- Where the person appears, using reliable evidence, to be unfit for work, or where poor work performance may possibly have a medical origin
- To discuss how best to accommodate a person's disability
- In relation to sick leave concerns or a change in the employee's health status

Sometimes, poor performance or difficult behaviours at work may be related to the onset of a disability or a mental health condition which the person may not have acknowledged themselves, nor have disclosed at work. It can be helpful to have standard procedures in place which provide for the possibility of referring the person to an employee assistance service, to a support service or to an occupational health specialist. A list of support services is provided at the back of this booklet.

Communicate your policies

You should communicate these policies clearly to your workforce. Make them available in formats that all your staff can access, for example:

- In simple English. This is helpful for staff who are not native English speakers, or for staff with learning difficulties
- In large print, where requested. This is helpful for staff with vision impairments

Build your capacity to support employees with disabilities

You can strengthen your organisation's capacity to retain employees with disabilities by building staff know-how through training and mentoring, in the following way:

- Provide training on disability to your staff generally. This will help them in dealing with customers or with colleagues with disabilities. The National Disability Authority has developed a free, comprehensive e-learning training programme on providing effective customer service for people with disabilities and working with colleagues with disabilities. You can log on and register to this programme at <http://training.nda.ie/signups/new>. FÁS also provides grants for such training. See <http://www.fas.ie>
- Ensure your line managers are trained in how best to support and manage staff, including staff with disabilities. Research shows inadequate support from supervisors leads to poor employee retention outcomes
- Line managers may also require training to develop their skills in effective leadership
- If it is possible, provide line managers of staff with disabilities with any additional training they need to understand any particular aspects of their role
- If it is possible, provide employees who have acquired a disability with any necessary training to do their job

Alertness to emerging issues

An effective line manager will be alert to any changes in an employee's behaviour or performance at work that might signify that the employee needs to be referred to appropriate support services or needs additional support at work.

Signs, such as, poor work performance, poor judgement, emotional behaviour or withdrawal, may signal to the line manager that the employee is experiencing difficulties. A good working relationship between a line manager and the staff member can enable confidential discussion and referral for support. Line managers should know where to look to source available supports, for example via the person who manages human resources. Timely support can help minimise absence and enable people to continue at work.

Training resources

Irish Business and Employers Confederation, Irish Small and Medium Enterprises Association and the Chartered Institute for Personnel Development provide management development and other training for line managers and employees. See the **useful contacts** section at the back of this guide for their contact details. The UK Employers' Forum on Disability has a suite of publications for line managers on providing effective supports for employees with disabilities. For further information see **<http://www.efd.org.uk/publications/featured-publications>**

Key steps to retaining employees

1. Early intervention

Research shows that early intervention i.e. providing the necessary supports at an early stage to employees who are absent from the workplace, is the key to enabling employees to remain in work or return to work.

Six weeks' absence is often the tipping point after which return to work becomes less likely. The longer the absence, the harder it is for an employee to re-integrate into the workplace.

80% of employees who are absent for six weeks or more need some assistance to return to work.

When an employee is absent for more than a couple of weeks, it is easy for them to become disconnected from the workplace.

After an absence of six months, the probability that an employee will return to work has reduced to about 50% and for those absent more than twelve months, the probability is less than 20%.

2. Keep in touch

Best practice shows that maintaining regular, supportive contact with an employee while they are absent can assist them in returning to work and is therefore beneficial to the employer and the employee.³ The objective of this contact is to ensure that you are providing the employee with any necessary supports they may require. However, this contact needs to be managed sensitively. It may be advisable to have the following process included in your absence management policy:

- When your employee calls in sick you may suggest and agree a time for your next phone call. At the end of each conversation you should try and agree a time for the next call.

If an employee is open to regular contact it may be helpful to:

- Explore different means of contact, for example telephone, email.
- Ask the employee who they would prefer to have contacting them – you, their line manager or a person who deals with human resources. The employee has to be comfortable with the person who will be contacting them
- Reassure the employee about practical issues such as their job security and deal with financial worries
- Ask open questions that give the employee the chance to discuss any issues related to their absence
- Ask if there are any supports that they require
- Reassure your employee that you understand and respect personal boundaries
- Be prepared for the fact that your employee may sometimes be distressed when you contact them
- Deal with any concerns that an employee may raise in a thorough and efficient manner
- If an employee is not well enough to be contacted directly, with their permission you might see if a family member/close friend can be the contact person on the employee's behalf. It is important that confidentiality is respected. When the employee is well enough and agreeable to direct contact then this should be arranged

³ Shift Line Managers Web Resource
<http://www.shift.org.uk/employers/lmr/keepingintouch/>

- Chat with the employee about how they are feeling
- Where appropriate, ask them if they are ready to consider resuming some work duties on a flexible basis, following medical advice
- Update your employee about the social news at work, through regular phone calls or e-mails. If appropriate, other colleagues should also be encouraged to stay in touch. Consider inviting your absent colleague to workplace social events such as the staff Christmas party where that would be appropriate⁴

For further information on how to provide supportive contact to an employee while they are absent from work see Radar's **Going Back to Work after a Period Of Absence** <http://www.radar.co.uk>.

3. Return to work assessment

Return to work

When the employee feels they are ready to return to work, the next steps are to assess their capacity to return to work and to develop a return to work plan. The UK based Employers' Forum on Disability has produced guides for line managers on attendance management and providing reasonable accommodations for employees with disabilities. These guides contain templates for developing effective return to work plans and reasonable accommodation request forms, in addition to other information. For further information see: <http://www.efd.org.uk/publications/featured-publications>.

Before returning to work, a person, who has acquired a disability, would normally be assessed by the company doctor or the occupational health officer as being fit to return to work, and specifying the range of duties they are fit to carry out.

Work is part of the recovery process

For many of the most common causes of work absence, someone does not have to be fully recovered in order to be able to return to work. Being fit to return to work is not necessarily the same as being fully recovered. Modern medical advice is that, provided reasonable precautions are taken, return to work can be an important part of the rehabilitation process in mental health conditions, or for soft tissue injuries, back or neck pain.

⁴ Shift Line Managers Web Resource
<http://www.shift.org.uk/employers/lmr/keepingintouch/>

This may mean that when an employee returns to work, it may be initially on a part-time basis or to a somewhat restricted range of duties.

Assessing fitness

Your occupational health officer/company doctor will need a detailed description of the person's job, to assist them in assessing whether the employee is fit to return to work. This would include:

- Job tasks
- Physical requirements of the job
- Hours of attendance
- Qualifications required for the job
- Type of work environment

The discussion on fitness to return to work should consider:

- What range of duties the person can and cannot do during the recovery period or beyond
- Phased or partial return to work if that is medically advisable
- The supports the person needs to return to work

4. Return to work plan

Once the person has been assessed as being fit to work, and is ready to return, a return to work plan should be developed. The employee and their line manager, the employee's doctor, your company's occupational health specialist and the person who manages your human resources may all be involved in developing the plan. Ensure you have the employee's permission for any discussions with their doctor.

The line manager and the employee should discuss the detail of daily tasks, any possible difficulties or barriers the employee may foresee on the job, and how these might be overcome or managed. To assist an employee to return to work, managers can change the way work is organised. This could include simple changes to physical layout or to working time arrangements. Managers should also be aware of ergonomic good practice.

The person with a disability may know a lot about how to manage their condition, how to do everyday tasks, and what forms of supports or technologies they would find useful. Specialist disability organisations have a great deal of expertise around living and working with a particular condition, and about useful technologies. There is a list of such organisations at the back of this booklet. Disability umbrella bodies may also guide you to niche areas of expertise.

A planned approach can ensure that, as far as possible, any reasonable accommodations, transitional work options or additional supports required are in place before the employee returns to work.

The return to work plan should detail the following:

- The date the employee is returning to work
- The hours they are working
- What supports the employee will need
- How these supports will be provided
- What duties the employee will do when they initially return and over the following weeks and months as they gradually recover
- Details of regular contact (for example weekly meetings) with the line manager to discuss progress and any issues the employee may have on return to work
- Details of how and how often the employee's work performance and the effectiveness of any supports they are provided with will be evaluated. At a minimum, a review of progress and of supports should take place every six months

Return to work interview

The return to work interview is strongly associated with reduced levels of absence. It is good practice to have return to work interviews for all employees who have been absent from the workplace for any duration. It provides the line manager with the opportunity to deal with any difficulties that the employee may have. Return to work interviews should take place on the first day an employee returns to work.

5. Reasonable accommodation

These are adjustments to working arrangements, equipment or facilities to accommodate a person's disability.

Examples of reasonable accommodations:

- Flexible work hours, for example, a person starts work later and leaves work later
- Amendments to work duties such as substituting different tasks to replace those which have now become difficult
- Physical adaptations made to the workplace, such as, installing a ramp, and putting in accessible toilets
- Changes to a person's workstation, such as, a different desk and chair
- Assistive technologies or adapted work equipment, such as, special keyboards, telephone headsets and screen readers that convert computerised information to speech
- Further examples of workplace accommodations can be found at <http://www.workway.ie> and <http://www.jan.wvu.edu/media>. Research shows that typical accommodations have modest or no costs

Evaluate accommodations at regular intervals

An employee with a disability and their line manager should evaluate such accommodations at regular intervals. Over time, special provisions may no longer be needed, or requirements may change due to a progressive condition.

6. Option for phased return

An employee, who returns to work after acquiring a disability, may need some time to transition back into their job. It is useful to agree in advance of their return what those transitional arrangements would be, and how they would be reviewed.

Examples of transitional work options are:

- Phased return to work. This could take the form of working half days only for an initial period with a gradual phasing up to longer days. At the end of an initial period, such a transitional arrangement would be reviewed

- Gradual approach to work duties. An employee returning to work after acquiring a disability may need time to get back up to speed with their job. Initially they may start working on a limited number of projects or tasks, and gradually increase the range and spread of tasks they would undertake
- The line manager may mentor the employee for a period to help them get on top of work tasks, and up to speed with any developments that occurred during their absence
- Assigning a buddy to help a workmate ease back into the social side of work can be helpful for some people. The buddy might arrange to go for coffee or lunch when the employee initially returns to work, and link them in with any social events after work

7. What to tell colleagues

An employee is under no obligation to disclose a disability to their employer or their colleagues. Any disclosure that an employee makes to their line manager and/or HR representative is confidential. It is up to the employee to decide if they wish their colleagues to know about their disability. It is important to discuss with the employee what they would like their colleagues to know about any functional difficulties they may experience, or any accommodations that colleagues need to make. If the employee has given their consent, this information can be passed on in an appropriate manner, to their colleagues. Colleagues can potentially be a useful source of support for some people returning to work. It is helpful if colleagues understand why the employee is getting these accommodations, especially if they affect/change the colleagues' work duties. This situation must be handled sensitively.

8. Reintegration into work

Once the employee has returned to work with all the necessary supports in place, the line manager and the employee should monitor the employee's progress at reintegrating back into the work place, focusing on the key items below.

Looking after health

It is important that members of staff take care of their physical and mental health on return to work. This involves availing of the medical, therapeutic or other support required to maximise their recovery, or to treat any ongoing health issues.

The line manager should ensure that the employee who returns paces themselves appropriately, and does not jeopardise their health by taking on too much work immediately.

Rejoining a work team

An employee who returns to work may find it challenging at first, and may feel they are not pulling their weight in a team. This situation needs to be carefully managed, to balance a realistic expectation by managers of work performance, and appropriate pacing of work.

Line managers can help by:

- Positive support, reassurance, and expressing appreciation of the person's work and of their contribution to the team
- Ensuring that work is fairly shared across the work team
- Planning carefully as to when the returning employee can take on an additional share of the team's workload

9. Progressing a career

The path of career progression should not stop when an employee has acquired a disability. Employees who feel they are on a career track can feel more fulfilled and be more productive. It is important that managers continue to support and encourage a colleague who has acquired a disability to continue to develop and to pursue their career goals.

10. Performance management

Like any other employee, the work performance of an employee who has acquired a disability will have to be managed and evaluated. Any variation from the standard procedures should be detailed in the return to work plan. While work objectives or targets may be altered as a result of the changed circumstances, performance should be managed against those revised objectives. It is critical to have in place the supports that are necessary to deliver on the agreed goals. If you need further information on this issue contact the Equality Authority at <http://www.equality.ie> or visit the UK Employers' Forum on Disability <http://www.efd.org.uk/publications/featured-publications>

What if the employee cannot return to their previous job?

In some cases, return to work may not be possible, for example, where someone is seriously ill. In other cases, the person may continue to be capable of working, but only in a different role.

Sometimes, the nature of the disability may mean that even with reasonable accommodation, an employee cannot return to their previous job. For example, an employee who has lost his or her sight could no longer work as a driver.

Redeployment

You may wish to consider if there is another suitable vacancy to which the employee could be redeployed. A job analysis should be carried out on the alternative post, to identify the skills and capacities required, and any reasonable accommodations required for the new position.

Reassignment should only be considered when:

- No effective accommodations have been identified that will enable the employee to perform the essential functions of his/her current job or
- Accommodating the employee to do their current job would impose a disproportionate burden on the employer

Where possible, reassignment should be considered to a suitable position equivalent to the person's current grade. If there is no such position available, then you and your employee should discuss whether a position at a lower grade would be acceptable. You should consult with the employee's trade union in this situation.

The unsuccessful outcome

If the employee cannot return to their previous job, and if no suitable and acceptable alternative post is available, you as the employer may have to terminate the employee's contract. Before doing so, you should ensure all possible options have been considered. The employee may not be able to work in their current position with your organisation but may be able to work in a different job in another industry. It is important to follow established procedures and those set out in your policies. For further information see the Employment Equality Acts at <http://www.equality.ie>

Useful contacts

The contacts below are listed, with the permission of the organisations, for information purposes. This list does not constitute an endorsement of any individual organisation by the National Disability Authority. At the time of publication all contact details are correct.

Specialist disability resources

Access Ability

Rehab Enterprises,
Roslyn Park,
Sandymount,
Dublin 4.

Phone: (01) 205 7234

Email: info@accessability.ie

Website: <http://www.accessability.ie>

Services: Access Ability provides inclusive business solutions to companies and organisations of all sizes and industry sectors.

Specialist disability resources

Arthritis Ireland

1 Clanwilliam Square,
Grand Canal Quay,
Dublin 2.

Phone: (01) 661 8188

Fax: (01) 661 8261

Email: info@arthritisiireland.ie

Website: <http://www.arthritisiireland.ie>

Services: Arthritis Ireland is a national organisation that provides information and support services for people with arthritis, fibromyalgia and related conditions and their families.

Assist Ireland

Citizens Information Board,
43 Townsend Floor,
Georges Quay House,
Dublin 2.

Phone: 1890 277 478

Fax: (01) 661 8261

Email: support@assistireland.ie

Text messages: (086) 383 7644

Website: <http://www.assistireland.ie>

Services: Assist Ireland provides information on assistive technologies and general information on grant and entitlements.

Aware

72 Lower Leeson Street,
Dublin 2.

Phone: (01) 661 7211

Fax: (01) 661 7217

Email: info@aware.ie

Website: <http://www.aware.ie>

Services: Aware is a national organisation that provides support for people with depression and their families.

Specialist disability resources

Brainwave

249 Crumlin Road,
Crumlin,
Dublin 12.

Phone: (01) 455 7500

Fax: (01) 455 7013

Email: info@epilepsy.ie

Website: <http://www.epilepsy.ie>

Services: Brainwave provides support and advice to people with epilepsy and to health professionals dealing with epilepsy.

Central Remedial Clinic

Vernon Avenue,
Clontarf,
Dublin 3.

Phone: (01) 854 2200

Fax: (01) 833 6633

Email: info@crc.ie

Website: <http://www.crc.ie>

Services: The Central Remedial Clinic provides individual assessment, testing of systems and devices, product information and recommendations as well as advice and training in assistive technology.

DeafHear

35 North Frederick Street,
Dublin 1.

Phone: (01) 817 5700

Minicom: (01) 817 5777

Fax/Text: (01) 878 3629

Email: info@deafhear.ie

Website: <http://www.deafhear.ie>

Services: DeafHear is a national network of resource centres providing a range of accessible services to deaf and hard of hearing people and their families.

Specialist disability resources

Disability Federation of Ireland

Fumbally Court,
Fumbally Lane,
Dublin 8.

Phone: (01) 454 7978

Fax: (01) 454 7981

Email: info@disability-federation.ie

Website: <http://www.disability-federation.ie>

Services: Disability Federation of Ireland is the national support organisation and umbrella body for voluntary disability organisations in Ireland who provide services to people with a range of disabilities and disabling conditions.

Enable Ireland

National Assistive Technology Training Service,
1 Grand Canal Quay,
Dublin 2.

Phone: (01) 636 3600

Fax: (01) 677 9074

Email: slong@enableireland.ie

Website: <http://www.enableireland.ie>

Services: Enable Ireland has a dedicated Assistive Technology Training service that produces individual assessments, testing of devices, product information and recommendations for assistive technologies

Specialist disability resources

Eastern Vocational Enterprises (EVE)

Hollybrook Lodge
Community Nursing Unit
St. Michael's CBS Old School,
Bulfin Road,
Inchicore,
Dublin 8.

Phone: (01) 708 9001

Email: admin@eve.ie

Website: <http://www.eve.ie>

Services: EVE is a programme within the HSE, whose primary ethos is to provide community-based recovery-orientated programmes for adults who experience mental health difficulties, intellectual difficulties, Asperger's Syndrome, and physical and sensory disabilities. They do this through a network of Vocational, Rehabilitative and Clubhouse services in 21 locations across HSE Dublin North East and HSE Dublin Mid-Leinster regions. They have produced a guide to employment of people with mental health difficulties – “**Just Ask**”.

Headway

1-3 Manor Street Business Park,
Shea's Lane, off Manor Street,
Dublin 7.

Phone: (01) 810 2066

Fax: (01) 810 2070

Helpline: 1890 200 278

Email: info@headway.ie

Website: <http://www.headway.ie>

Services: Headway provides support and services to people affected by brain injury. They also work to heighten public and political awareness of acquired brain injury and the impact it has on individuals, families and carers.

Specialist disability resources

Irish Association of Speech and Language Therapists (IASLT)

Block 4, Harcourt Centre,
Harcourt Road,
Dublin 2.

Phone: (085) 706 8707

Email: info@iaslt.com

Website: <http://www.iaslt.com>

Services: IASLT is the recognised professional association of Speech Language Therapists in Ireland.

Irish Motor Neurone Disease Association

Coleraine House,
Coleraine Street,
Dublin 7.

Phone: (01) 873 0422

Freefone: 1800 403 403

Fax: (01) 873 1409

Email: info@imnda.ie

Website: <http://www.imnda.ie>

Services: The Irish Motor Neurone Disease Association is the primary support organisation in Ireland providing care for people with Motor Neurone Disease, their families, friends and carers.

Irish Society of Chartered Physiotherapists

Royal College of Surgeons,
St. Stephen's Green,
Dublin 2.

Phone: (01) 402 2148

Fax: (01) 402 21 60

E-mail: info@iscp.ie

Website: <http://www.iscp.ie>

Services: The Irish Society of Chartered Physiotherapists is the professional representative body in the Republic of Ireland for over 3,000 chartered physiotherapists.

Specialist disability resources

Irish Wheelchair Association

Áras Chúchulainn,
Blackheath Drive,
Clontarf,
Dublin 3.

Phone: (01) 818 6400

Fax: (01) 833 3873

Email: info@iwa.ie

Website: <http://www.iwa.ie>

Services: Irish Wheelchair Association (IWA) was founded in 1960 by a small group of wheelchair users committed to improve the lives of people with physical disabilities in Ireland. The Association works to achieve greater independence, freedom and choice for people living with physical disabilities. The services IWA provides nationally include; Resource and Outreach Services, Holidays and Sport. Today, the Association has grown to over 20,000 members, over 2,000 staff and many dedicated volunteers.

Mental Health Ireland

Mansana House,
6 Adelaide Road,
Dun Laoghaire,
Co. Dublin.

Phone: (01) 284 1166

Fax: (01) 284 1736

Email: info@mentalhealthireland.ie

Website: <http://www.mentalhealthireland.ie>

Services: Mental Health Ireland promotes positive mental health and supports persons with a mental health issue, their families and their carers.

Multiple Sclerosis Society of Ireland

80 Northumberland Road,
Dublin 4.

Phone: (01) 678 1600

Fax: (01) 678 1601

Email: info@ms-society.ie

Website: <http://www.ms-society.ie>

Services: MS Ireland is a national organisation that provides a range of services and resources to the whole MS Community; those with MS, family members, employers and Health Professionals.

Specialist disability resources

National Council for the Blind of Ireland

Whitworth Road,
Drumcondra,
Dublin 9.

Phone: (01) 830 7033

Fax: (01) 830 7787

LoCall: 1850 334 353

Email: info@ncbi.ie

Website: <http://www.ncbi.ie>

Services: National Council for the Blind provides practical support and services to people who are blind or have visual impairments.

Parkinson's Association of Ireland

Carmichael Centre,
North Brunswick Street,
Dublin 7.

Phone: (01) 872 2234

Freephone Helpline: 1800 359 359

Fax: (01) 872 5540

Email: info@parkinsons.ie

Website: <http://www.parkinsons.ie>

Services Provided: Parkinson's Association of Ireland provides support and information to people with Parkinson's, their families and carers, and health professionals. They also initiate and fund research into Parkinson's disease, its causes and affects.

Sign Language Interpreters

c/o Citizens Information Board,
Hainault House,
The Square,
Tallaght.

Phone: (01) 413 9670

Fax: (01) 413 9677

Email: bookings@slis.ie

Website: <http://www.slis.ie>

Services: The Sign Language Interpretation Service is the national agency for the provision of sign language interpreters.

Specialist disability resources

Spinal Injuries Ireland

National Rehabilitation Hospital,
Rochestown Avenue,
Dun Laoghaire,
Co. Dublin.

Phone: (01) 235 5317

Email: info@spinalinjuries.ie

Web: <http://www.spinalinjuries.ie>

Services: Spinal Injuries Ireland deals with the emotional and practical issues facing the individual with the spinal injury, as well as providing support for their families. It works to achieve the ultimate goal of true social inclusion for people with disabilities through providing education, understanding and consensus.

Employment resources

Chartered Institute of Personnel and Development (CIPD)

Marine House,
Clanwilliam Place,
Dublin 2.

Phone: (01) 653 0400

Fax: (01) 653 0500

Email: info@cipd.ie

Website: <http://www.cipd.ie>

Services: CIPD is a professional body for those involved in the management and development of people.

Disability Liaison Officers (DLO) Network

Equality Unit,
Department of Finance,
7-9 Merrion Row,
Dublin 2.

Phone: (01) 604 5443

Fax: (01) 604 5459

Email: dlon@finance.gov.ie

Website:

http://www.disability.gov.ie/civil_service_disability_network

Services: The Disability Liaison Officers Network facilitates the sharing of knowledge and best practice in relation to the employment of people with disabilities in the Irish Civil Service.

Employment Appeals Tribunal

65A Davitt House,
Adelaide Road,
Dublin 2.

Phone: (01) 631 3006

Lo-Call: 1890 220 222 (note that the rates charged for the use of the lo call numbers may vary among different service providers).

Fax: (01) 631 3266

Email: eat@djei.ie

Website: <http://www.eatribunal.ie>

Services: The Employment Appeals Tribunal is an independent body bound to act judicially and was set up to provide a fair, inexpensive and informal means for individuals to seek remedies for alleged infringements of their statutory rights.

Employment resources

Employee Assistance Professional Association

c/o 4th Floor,
Park House,
North Circular Road,
Dublin 7.

Phone: (086) 075 6526

Email: info@eapaireland.ie

Website: <http://www.eapaireland.ie>

Services Provided: EAPA is the professional body for Employee Assistance Practitioners and Providers of Employee Assistance Programmes (EAPs).

Equality Authority

Head Office,
Birchgrove House,
Roscrea,
Co. Tipperary.

Phone: (0505) 24126

Fax: (0505) 22388

Email: info@equality.ie

Website: <http://www.equality.ie>

Dublin Office,
2 Clonmel Street,
Dublin 2.

Phone: (01) 417 3333

Fax: (01) 417 3331

Email: info@equality.ie

Website: <http://www.equality.ie>

Services: The Equality Authority promotes equality in employment, the provision of goods and services, education, property and other opportunities to which the public generally have access.

FÁS

Employment and Training Authority

27/33 Upper Baggot Street,
Dublin 4.

Phone: (01) 607 0500

Fax: (01) 607 0600

Email: info@fas.ie

Website: <http://www.fas.ie/en/Contact+FÁS/default.htm>

Services: FÁS provides occupational guidance and training for job seekers, including those with disabilities.

Employment resources

Irish Business and Employers Confederation (IBEC)

Confederation House,
84-86 Lower Baggot Street,
Dublin 2.

Phone: (01) 605 1500

Fax: (01) 638 1500

Email: info@ibec.ie

Website: <http://www.ibec.ie>

Services: Irish Business and Employers Confederation is the umbrella body for Ireland's leading industry groups and associations.

Irish Congress of Trade Unions (ICTU)

32 Parnell Square,
Dublin 1.

Phone: (01) 889 7777

Fax: (01) 8872012

Email: congress@ictu.ie

Website: <http://www.ictu.ie/equality/disability>

Services: Congress is the largest civil society organization in Ireland, representing and campaigning on behalf of some 797,399 working people.

Irish Small and Medium Enterprises Association (ISME)

17 Kildare Street,
Dublin 2.

Phone: (01) 662 2755

Fax: (01) 661 2157

Email: info@isme.ie

Website: <http://www.isme.ie>

Services: ISME is the independent organisation for the Irish small and medium business sector. Its mission is to independently represent, promote and support owner/managers of small and medium enterprises.

Employment resources

Labour Court

Tom Johnson House,
Haddington Rd,
Dublin 4.

Phone: (01) 613 6666

Fax: (01) 613 6667

Lo-Call: 1890 220 228

E-mail: info@labourcourt.ie

Website: <http://www.labourcourt.ie>

Services: The Labour Court provides a free, comprehensive service for the resolution of disputes about industrial relations, equality, organisation of working time, national minimum wage, part-time work, fixed-term work, safety, health and welfare at work, information and consultation matters. It is not a court of law. It operates as an industrial relations tribunal hearing both sides in a case and then issuing a Recommendation setting out its opinion on the dispute and the terms on which it should be settled.

Money Advice and Budgeting Service (MABS)

MABS National Development Ltd,
2nd Floor, Commercial House,
Westend Commercial Village,
Blanchardstown,
Dublin 15.

Phone: (01) 812 9519

Website: http://www.mabs.ie/contact_us/dublin.html

Services: Through a partnership process to support Management and staff of MABS in the development of a quality consistent service, operating to established standards, to ensure that families on low income have access to an independent, free and confidential Money Advice and Budgeting Service so that they can cope with debt and take control of their own finances.

Employment resources

National Employment Rights Authority (NERA)

Government Buildings,
O'Brien Road,
Carlow.

Phone: (059) 917 8800

Lo-Call: 1890 808 090

Website: <http://www.employmentrights.ie/>

Services: NERA provides impartial information on a wide variety of employment rights legislation employees and employers by telephone, in writing, by email and through ongoing public awareness programmes. NERA also provides an extensive range of explanatory leaflets and a comprehensive Guide to Labour Law.

National Recruitment Federation (NRF)

Unit 5A,
Santry Business Park,
Santry,
Dublin 9.

Phone: (01) 816 1754

Email: info@nrf.ie

Website: <http://www.nrf.ie>

Services: The National Recruitment Federation is a voluntary organisation set up to establish and maintain standards and codes of practice for the Recruitment Industry in Ireland. Representing recruitment agencies throughout the country, NRF Members aim to communicate their commitment to providing quality service by agreeing to abide by a strict Code of Conduct.

Useful References

The evidence and best practice guidance in other jurisdictions on which this Guide is based can be seen at <http://www.nda.ie/Website/NDA/CntMgmtNew.nsf/0/6E45FDAA259C051180257825003F857B?OpenDocument>

Acas (2006) Managing Employee Attendance and Turnover, A Booklet. Retrieved March 2009.<http://www.acas.org.uk/index.aspx?articleid=1183>

Affinity Health at Work Absence Management and Return to Work. Retrieved April 2009.http://www.affinityhealthatwork.com/section_absence.asp

Alban-Metcalf J and Real World Group (2008) Effective Leadership and organisational culture for the recruitment and retention of people with disabilities in the Irish public sector. Dublin: National Disability Authority [http://www.nda.ie/website/nda/cntmgmtnew.nsf/0/BB5340F21CFAD85980257425003E0F3F/\\$File/effectivleadership_02.htm](http://www.nda.ie/website/nda/cntmgmtnew.nsf/0/BB5340F21CFAD85980257425003E0F3F/$File/effectivleadership_02.htm)

Coughlan, A. (2004) Employee Absenteeism A Guide to Managing Absence. IBEC, Ireland. <http://www.re-integrate.eu/resources/a-guide-to-managing-absence.pdf>

Department of Work and Pensions, UK. (2010) Fit Note <http://www.dwp.gov.uk/fitnote/>

Department of Social Protection (2011) Supports for people with disabilities and employers <http://www.welfare.ie/EN/Publications/SWI31/Documents/SWI31.pdf>

Dewe, P. and Kompier, M. (2008) Foresight Mental Capital and Wellbeing Project. Wellbeing and work: Future challenges. The Government Office for Science, London

Donald, I., Taylor, P., Johnson, S., Cooper, C., Cartwright, C., & Robertson, S. (2005) Work environments, stress and productivity: An examination using ASSET. *International Journal of Stress Management*. 12, 409-423

Employer's Forum on Disability. (2007) Reasonable Adjustments. Line Manager Guide. Employers' Forum on Disability, London, UK. <http://www.efd.org.uk/>

Employers' Forum on Disability. (2008) Attendance Management and Disability. Line Manager Guide. Employers' Forum on Disability, London, UK <http://www.efd.org.uk/>

Employers' Forum on Disability (2009) Non-visible disabilities, Line Manager Guide. Employers' Forum on Disability, London, UK. <http://www.efd.org.uk/>

Eastern Vocational Enterprises Ltd (2004) Just Ask: A Handbook for Employers and Employees. http://www.eve.ie/documents/EVEmploymentHandbook_JustAsk.pdf

Job Accommodations Network. (2009) Fact Sheet Series. Five Practical Tips For Providing And Maintaining Effective Job Accommodations. <http://askjan.org/topics/accommo.htm>

Job Accommodations Network. (2009) Fact Sheet Series. Workplace Accommodations. Low Cost, High Impact. <http://askjan.org/topics/costs.htm>

Job Accommodations Network. (2009) Fact Sheet Series. Job Accommodations for People with Mental Health Impairments. <http://askjan.org/media/psyc.htm>

National Employment Rights Authority (2008) Guide to Employment Rights <http://www.employmentrights.ie>

National Mental Health Development Unit (2009) Work, Recovery and Inclusion. Employment support for people in contact with secondary mental health services. British Government London

Perkins, R. (2010) Going back to Work after a Period of Absence: Surviving and Thriving at Work by Rachel Perkins, OBE. Radar

Reducing Occupational Stress in Employment (2010) <http://www.leonardorose.eu/>

Royal College of Physicians Ireland (2011) Getting back to work after injury: maximising workability. Seminar and presentations. <http://www.rcpi.ie/News/Pages/PublicMeetingongettingbacktowork.aspx>

Shift Line Managers Web Resource <http://www.shift.org.uk/employers/lmr/keepingintouch/>

<http://www.shift.org.uk/employers/lmr/off sick/>.



Údarás Náisiúnta Míchumais
25 Bóthar Chluaidh, Baile Átha Cliath 4
Teileafón (01) 608 0400
Facs (01) 660 9935
www.nda.ie

National Disability Authority
25 Clyde Road, Dublin 4
Telephone (01) 608 0400
Fax (01) 660 9935
www.nda.ie

Is í NDA an t-eagraíocht stáit neamhspleách a chuireann saineolas ar fáil chuig an Aire maidir le polasaí agus cleachtas i leith míchumais, agus a chuireann Dearach Uilíoch chun cinn in Éirinn.

NDA is the independent state body providing expert advice on disability policy and practice to the Minister, and promoting Universal Design in Ireland.