

RehabGroup

Investing in People, Changing Perspectives



Rehab Group Submission to the Department of Enterprise, Trade and Employment

We wish to make the following submission to the Department of Enterprise, Trade and Employment in respect of the National Guidance for Remote Working.

In summary, we urge the following:

- Clarification that grants and support for employers, employees and prospective employees with disabilities will continue to be available under the new guidance
- The inclusion of persons with disabilities in consultation processes and information campaigns on remote working
- Implement robust guidance and policy on remote working to ensure the inclusion of employees with disabilities in the workplace

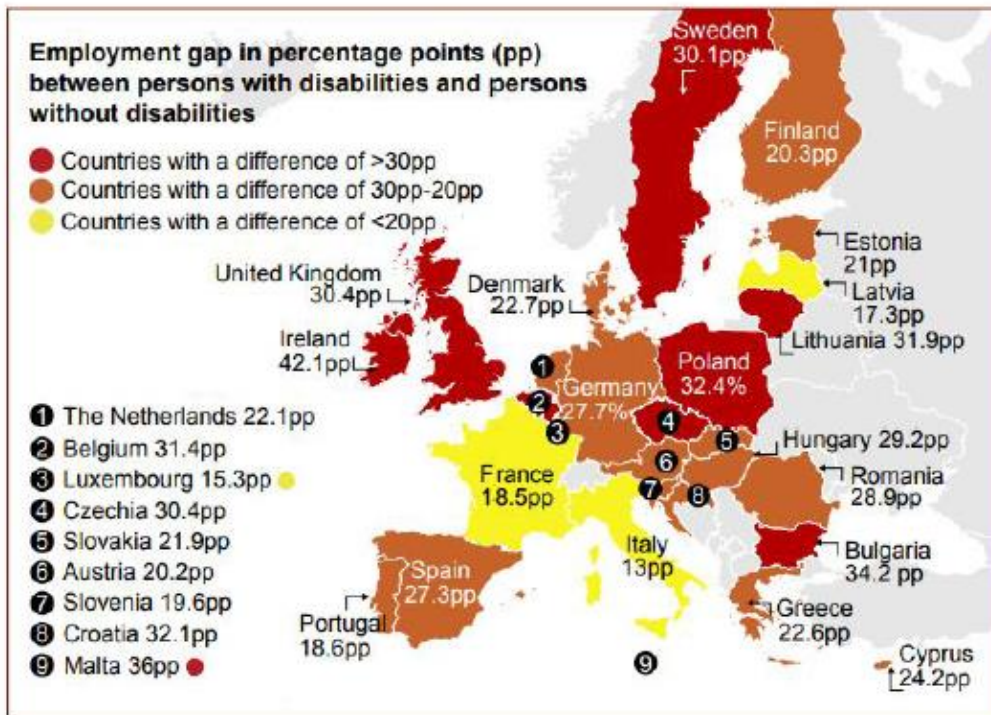
1. The Rehab Group

The Rehab Group is one of the largest not for profit organisation in Ireland providing services to persons with a disability and people who are at a disadvantage. We support well over 10,000 people and operate in every county in the state.

The Rehab Group is comprised of three main divisions: RehabCare, National Learning Network and Rehab Enterprises (RE Ltd). In the case of RE Ltd, it is to provide sustainable employment for people with disabilities in commercial business units. Our enterprises include ISO Quality Assured Recycling, Logistics and Retail business solutions from 19 locations throughout Ireland (Dublin, Navan, Portlaoise, Galway, Limerick and Cork) and at Lodz, Poland. We provide a unique model of integrated employment for people with disabilities and employ some 300 people, of which about 50% are persons with disabilities. This means we have one of the largest workforces for employees with disabilities in Ireland.

2. Employment of Persons with Disabilities in Ireland

Ireland is underperforming in terms of employment for persons with disabilities. According to the latest comparative research, Ireland has the lowest rate of employment among persons with disabilities of all European countries (32.3%). As evidenced in the graphic below, Ireland also has the highest employment gap between people with disabilities and the general population (42 percentage points).



Source: European Disability Forum - Human Rights Report 2020 quoting EU SILC

https://mcusercontent.com/865a5bbea1086c57a41cc876d/files/ad60807b-a923-4a7e-ac84-559c4a5212a8/EDF_HR_Report_final_tagged_interactive_v2_accessible.pdf

By any measure, this is an unacceptable position for Ireland to find itself in. Addressing this problem requires the support of every Government Department.

With this in mind, we welcome the Department’s initiative for the development of a national guidance for employers and employees seeking to engage with remote working solutions. People with disabilities are likely to have underlying health conditions and are therefore more likely to work remotely. Mobility, transport and physical access issues may make working from home for persons with disabilities more attractive, and in some cases, the only viable alternative.

This is a timely opportunity for the state to address the systemic barriers to employment for persons with disabilities. Remote working is a strong mechanism that the government can use to implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and in particular Article 27, which recognises the right of persons with disabilities to work in an open, inclusive and accessible labour market. It may also help to achieve the governments employment targets for persons with disabilities as set out in the Comprehensive Employment Strategy.

3. Our Recommendations

The guidance in its current form does not feature essential information on remote working solutions for persons with disabilities. Equally, it does not provide employers with guidance on obligatory reasonable accommodations for employees and potential employees with disabilities. These concerns were also highlighted in the governments Remote Work in Ireland Report, 2019.

3.1 Grants and Support for Employers, Employees and Prospective Employees with Disabilities

Employers will require access to grants for accessible aids and adaptations and IT equipment to allow persons with disabilities to work from home. Adaptation and accommodation grants should be reviewed to include any new working arrangements that include people with disabilities working from home, or working between home and the workplace. For example, the Workplace Equipment and Adaptation Grant allows employers to adapt their work environments for employees with disabilities to ensure they can access the building and its facilities, and to provide essential adapted equipment for them to carry out their work. It is not clear from the current Guidance whether such grants remain applicable to employees with disabilities who work remotely.

Similarly, the Wage Subsidy Scheme's application in this context needs clarification in the Guidance for employers. Many employers rely on the Wage Subsidy Scheme (WSS) to hire and continue to employ persons with disabilities. It is not clear from the guidance how the scheme will be applied if the employee is working remotely.

Therefore, the Guidance must clarify that such grants and supports are applicable in cases where the home has become the workplace, and that it is the employer's obligation to make reasonable accommodations for an employee with a disability under the Employment Equality Acts, 1998-2005. Persons with disabilities rely on employers to provide adaptations and accommodations in the workplace so they can carry out their work, and some employers rely on the WSS to employ persons with disabilities. We recommend that grants and supports must apply to remote working solutions as well.

The Disability Awareness Raising Grant should also be promoted to employers to support the employment of persons with disabilities. This would ensure the future inclusion of employees with disabilities in the workforce. This will also allow employers to understand their obligations to employees with disabilities with regard to reasonable accommodations and adaptations to the work environment.

3.2 Inclusion of Persons with Disabilities in Consultation Processes and Information Campaigns on Remote Working

We ask that the department include people with lived experience of disability as part of an on-going consultative process on remote working. This process would be beneficial as it has the potential to identify any barriers or other challenges that may arise for employees with disabilities working remotely. It could also help to measure whether accommodations made for all employees to work from home during the Covid-19 lockdown have made workplaces and employment opportunities more accessible to persons with disabilities.

We also recommend that all further consultation on remote working is inclusive and accessible to persons with disabilities. This means the inclusion of Irish Sign Language as well as publishing easy-read information on the guidance.

3.3 Robust Guidance and Policy on Remote Working

The guidance on remote working must be robust to ensure that employees with disabilities are not socially excluded from the work environment. Persons with disabilities that are capable and want to work on the employer's premises should enjoy the same right to do so as persons without disabilities. We anticipate that it could be possible for some employers to avail of remote working for employees with disabilities to evade their legal obligations to make adaptations to their buildings and facilities. An over-reliance on remote working for persons with disabilities could ultimately lead to the social exclusion of persons with disabilities from the workplace, and society generally, which would go against the UNCRPD. Therefore, the guidance and equality legislation around remote working must include measures to avoid these types of occurrence.