

Employment and disability: A good practice guide for employers in Jersey



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Foreword

Thank you for taking the time to read this good practice guide. I hope you will find it interesting and informative.

This guide was borne out of the Jersey Employment Trust “Able to Work” conference in November 2011, where employers, people with a disability or long term health issues and agencies came together and through a series of workshops provided suggestions, ideas and case studies of good practice in Jersey. These workshops were followed up by a series of visits and one to one interviews with employers and employees with a disability. This information was collated and has been incorporated into the guide along with extensive research into good practice in the UK and the European Community.

The guide is intended to be used as a reference document for employers who wish to maximize the potential of people with a disability who are, in essence, an untapped workforce but have a huge range of experience and potential.

Further, the guide is intended to be practical and informative and give employers information that could assist them to meet the requirements of the Discrimination (Disability) (Jersey) Regulations 2018.

I would like to thank, all the people who attended the conference and those of you who gave further assistance in one to one interviews or took the time to comment on the draft versions of the guide for your contributions, without which, the guide would not have been possible.

I would also like to acknowledge the HR team from the States of Jersey for assisting in the production of the guide and, in particular, I would like to thank Mike Evans who assisted in collating the information from the conference, undertaking the one to one interviews and co-authoring this guide.

Your views and feedback on how the guide could be improved would be appreciated and can be sent to me via email at j.butterworth@jet.co.je or telephone 01534 788992.

Jocelyn Butterworth

Executive Officer

The Jersey Employment Trust

A word from our partners

The States of Jersey, as the island's largest employer, is absolutely committed to the equality and diversity agenda and to the employment of people with disabilities. Our diverse workforce has many employees with varying degrees of ability and disability, indeed we have seen that a diverse and inclusive workforce is a more effective and productive one. We firmly believe therefore that modern and engaged management means that people with disabilities can enter employment with us, and that those who become disabled during their working lives can continue to work in a meaningful capacity, which adds value not only to the individual but the organisation and society. We operate a guaranteed job interview scheme for people with disabilities who meet the minimum skills and knowledge criteria, and every year we provide scores of work experience placements throughout the States.

We are delighted to continue to work with Jersey Employment Trust and we fully endorse and commend this guide.

John Quinn

Chief Operating Officer, States of Jersey



Introduction

All employers should strive to employ the best person for every role in their organisation and to retain valuable and effective staff for as long as possible. By ensuring that this is also done for people with a disability and/or long term health issue, a wider pool of talent and experience will be available to benefit the organisation. To put this in perspective, according to the Disability Strategy (2017) report, 14% of the Island's population are disabled, which is 13,900 people in Jersey.^[1] Further findings in the report include that 28% of disabled people say that they experience a lot of difficulty getting the type and amount of paid work they want. Over a quarter of disabled people report to have experienced discrimination in the last 12 months and about one in 20 people with a disability feel they have experienced discrimination in the workplace or from health and care professionals. This Guide aims to support the Disability Strategy of Jersey (2017) which is in place to address the inequality issues faced by people with a disability as highlighted in the findings.

Employers tell us that people with disabilities can be a labour source that provides some of the best employees within an organisation. They are generally dependable, dedicated, hardworking, and productive. Unfortunately, many employers are not aware of this pool of skilled workers. Even those who recognise the potential of this labour pool do not know how to reach them, and are concerned about the perceived cost and challenge of providing any necessary accommodations.

The Guide aims to support the Disability Discrimination legislation in Jersey, to assist employers meet their legal responsibilities and implement good practice advice and guidance that may well go beyond legislation. The issues surrounding employment and disability can sound demanding, but, approached with goodwill and common sense, good practice can provide a framework to develop a supportive and prosperous organisation.

Much of the good practice described will not only support people with a disability, but also be of benefit to all applicants and employees.

The Guide goes on to describe elements of good practice that should be embedded into managerial practice and organisational culture. There is guidance on recruitment and selection, retention and redeployment, redundancy, disciplinary hearings and work experience placements. Much of the good practice described will not only support people with a disability, but also be of benefit to all applicants and employees.

Findings ^[2] indicate that 'the strong relationship between employment and disability suggests that interventions that challenge employment barriers, support disabled people into employment and ensure an appropriate work environment with reasonable adjustments could have a positive impact'.

Many people avoid issues surrounding disability as they fear 'doing the wrong thing'. As all people with a disability are individuals, complete guidance cannot be given on what words to use or how to support them. However, the Guide includes tips on disability etiquette, commonly accepted language and suggested ways to support people with particular disabilities.

The final section provides details of sources of support that can be accessed to facilitate employment of people with disabilities.

1. Based on the UK Equality Act definition of disabled - an individual has a physical or mental health condition or illness lasting or expected to last 12 months or more which impacts on their ability to carry out day-to-day activities - see the Health and Opportunities Survey 2015

2. Jersey Health and Life Opportunities Survey 2015.

Introduction

What is meant by disability/long term health issues?

Under the Law, disability is defined as a long-term impairment which can affect a person's ability to participate or engage in activities such as; work, using public transport, eating out, shopping, staying in a hotel or any other aspect of life covered by the Law.

**An impairment may be physical, mental, intellectual or sensory.
This includes: :**

- mental health
- learning difficulties
- visual impairments
- hearing impairments
- limited dexterity e.g. arthritis
- mobility impairments, including wheelchair users and stick users

To qualify as long-term the impairment must last, or be expected to last, for six months or more or for the rest of the individual's life.

A severe disfigurement is treated as a disability under the Law even if it does not affect a person's ability to participate or engage in activities.

Within the Law the definition of disability is intended to be very wide. A range of conditions that may not typically be thought of as disabilities will fall within the definition. ^[3]

Employers should remember that anyone that has a condition that fits the definition of disability in this Guide is covered; they do not need to have a particular diagnosis.

3. JACS - Practical Guide to Disability Discrimination



This guide is intended to cover:

- Long-term serious illnesses.
- Recurring conditions and conditions that fluctuate. The person is likely to remain protected by legislation during any periods of remission.
- People diagnosed with HIV, Multiple Sclerosis (MS) and cancers, are covered from the point of diagnosis and not only when the condition affects their day-to-day activities.
- Past disabilities – a person who has a history of a particular condition.
- Cumulative effects – a person may have a number of impairments that individually would not be considered a disability, but taken together have a cumulative effect that would be covered as a disability.
- Conditions controlled by treatment – the assessment of whether someone has a disability must be made on the basis of how the person would be without any treatment (except where eyesight is corrected by standard glasses or contact lenses).

It is important to remember that not all individuals who would be covered by this definition would regard themselves as having a disability – research in the UK found that 52% of people who would meet the definition did not identify themselves as having a disability.^[4]

4. A Practical Guide to the Law and Best Practice for Employers.
Published by the Disability Rights Commission.



Introduction

Types of discrimination/disadvantage

In developing and introducing good practice to the workplace, employers must be careful to avoid any form of disability discrimination or acts that will directly or indirectly disadvantage certain people. The Discrimination Law defines four types of discrimination:

- Direct discrimination
- Indirect discrimination / Failure to make reasonable adjustments
- Harassment
- Victimisation

Direct discrimination

Direct discrimination occurs when someone with a disability is treated less favourably than someone without a disability in the same circumstances, simply because of that disability. Usually this is based on generalised, or stereotypical, assumptions about the disability or its effects and not considering a person's individual abilities. There is no justification for direct discrimination.

Example

Having a blanket ban on anyone with a particular condition being employed would be direct discrimination, for example, "we are not going to recruit someone with a history of depression, no matter what".

Indirect discrimination or indirect disability discrimination

Indirect discrimination or indirect disability discrimination broadly occurs where an employer applies a provision, criterion or practice to people generally, but it puts people with a disability at a particular disadvantage, in comparison with people who do not have a disability.

This type of discrimination focuses on how a person's disability affects them and how this affects their employment and often occurs when a specific provision is applied to everyone, which in reality substantially disadvantages some people, as demonstrated by the following case study.

Case study

A large international hotel chain introduced a new telephone exchange and caller ID system which was installed across all sites. One of the receptionists had a visual impairment and had previously used software to enlarge the text on the screen. The new protocol on answering the telephone stated that external calls and internal calls had to be answered with a different greeting message. The notification as for whether a call was external or internal was identified on screen as the call came in, but this was too small for the receptionist in question to see. The new exchange was not compatible with the vision software the employee used and it was not possible to link it to an audio adaption. Extensive discussions took place at a local and corporate level to see if the receptionist could have a standard greeting but this was declined by the head office. The receptionist's contract was terminated.

Unlike direct discrimination, indirect or disability-related discrimination can occasionally be justified as long as there is a material and substantial reason for doing so. It must also have been considered whether any reasonable adjustments could be made to remove these barriers.

Example

A man with a severe visual impairment, which cannot be corrected by glasses, is not selected for a job as a bus driver as he cannot carry out the essential requirements of the job. This is likely to be justified as the reason he is not selected is a substantial one, is clearly linked to the safe performance of the role, and where no reasonable adjustments could be made that would have made a difference to his performance in that role.

Harassment

A person is harassed when they are subjected to unwanted conduct in relation to the disability which violates the dignity of an individual or/and creates intimidating, hostile, degrading, humiliating or an offensive environment for that person.



Example

An employee has a speech difficulty resulting from their disability, generally everyone gives them time and listens carefully - except one employee who mocks the disabled employee and some of the others present laugh at this.

The person finds this hostile, humiliating and is offended. Not only that - anyone present who finds the mocking offensive and hostile and gets upset can bring a case.

Victimisation

A person is victimised when treated less favourably than others because the person has tried to make or have made a complaint under the discrimination law. Given evidence in support of a complaint under the discrimination law (whether on behalf of themselves or others) raised a complaint alleging that an act prohibited by the law has occurred.

Example

An employee has a speech difficulty, generally everyone gives them time and listens but one employee mocks the disabled employee and some of those present laugh at this. However, one of those present raises a complaint under the discrimination law (or supports the disabled person who himself raises a complaint). From then on he appears to have less overtime offered to him, he is shunned by his co-workers, doesn't get the training opportunities as everyone else etc

Introduction

Making reasonable adjustments

Employers should consider making 'reasonable adjustments' to their workplace environments and employment processes to ensure that they implement good practice, have equal employment opportunities and that a person with a disability is not discriminated against or disadvantaged.

Good practice suggests that employers must make reasonable adjustments to any "provision, criterion or practice" that the employer applies and to physical features of any premises in order to accommodate the needs of a worker with a disability or job applicant. It is not discriminatory against other employees to make these adjustments for an employee with a disability. It is the employer's responsibility to consider if any adjustments are required as soon as they are aware that a person has a disability. It is not sufficient to wait for an individual to ask for what they need.

How much will the adjustment cost and will it disrupt any of the organisations activities? Many reasonable adjustments cost little or nothing to implement.

What kind of adjustments might be appropriate?

The following are examples of the kind of reasonable adjustments that an employer might make in relation to a person with a disability:

- Allocating some duties to another person, e.g. it may be appropriate to reallocate occasional proof reading for a person with dyslexia.
- Transferring the disabled person to an existing and more appropriate vacancy.
- Altering the disabled person's working hours or enabling a graded return after a long period of sickness.
- Acquiring new, or modifying existing equipment.
- This list is not exhaustive but shows some reasonable adjustments that could be made.

What is considered 'reasonable'?

Good practice would only expect an employer to make an adjustment if it is considered to be 'reasonable'. It could be considered discriminatory if an employer does not make an adjustment that is considered 'reasonable'. However, if there is not an adjustment possible that is considered reasonable after considering all options; not taking action would unlikely to be discriminatory.

The manager is entitled to take into account all circumstances when deciding what steps it would be reasonable to take. This includes:

- Effectiveness – will the adjustment prevent the disadvantage? It is important not to make assumptions about what will be effective. Possible adjustments should be discussed with the individual and never imposed. In most cases, the person with a disability will have a better

understanding of what measures will help and there are services within Jersey that can assist. See Sources of Support on page 45.

- Practicality – how practical is it to make an adjustment? Would it help other members of staff?
- Financial and other costs – how much will the adjustment cost and will it disrupt any of the organisations activities? Many reasonable adjustments cost little or nothing to implement.
- Financial and other resources – what resources are available and what other assistance/support is available? See Sources of Support on page 45.
- Nature of employer's activity and size of undertaking – what may be reasonable in a very large company may not necessarily be so in a very small company.



Potential organisational consequences

By taking steps to prevent discrimination, and removing barriers in the recruitment and selection process, the organisation can ensure that the best person for the job is always recruited. Encouraging the recruitment of people with disabilities increases the pool of talent that is available and, by being flexible to the needs of people with a disability, the organisation will be a more attractive employer. Where members of staff are encouraged to develop, regardless of disability, all staff are likely to feel valued and demonstrate increased commitment.

Sick absence is a major cost to many organisations. Ensuring that staff with an acquired disability or with a long-term health issue are supported to return to work at the earliest opportunity, by considering all adjustments that may make this possible, makes financial sense as well as demonstrating commitment to employees. The cost of any adjustment that allows the organisation to retain a member of staff, and their knowledge and experience, and is likely to be far less than the cost of recruiting a replacement member of staff. Further, there may be assistance with these costs See Sources of Support on page 45.

Improving access to premises and awareness of good practice will have knock-on benefits to other staff, visitors and customers.

Finding and keeping good workers are among the greatest challenges facing businesses in the 21st century. Today, more than ever, businesses need access to a skilled and diverse workforce. They cannot stay competitive and increase profitability without qualified personnel.

People with disabilities are a source of qualified workers that are frequently overlooked. This pool of workers represents one of the largest groups seeking employment in today's market – around 11,500 of working age with a disability or long term health condition in Jersey.

Employers tell us that, once hired, this labour source provides some of the best employees within an organisation. They are generally dependable, dedicated, hardworking, and productive. Unfortunately, many employers are not aware of this pool of qualified workers. Even those who realise the potential of this labour pool do not know how to reach them and are concerned about the perceived cost and challenge of providing any necessary accommodations.





Recruitment and selection

In this section you will find information on the following:

- Job description
- Person specification
- Advertising
- Application forms
- Job creation / Job flexibility
- Short-listing
- References
- Interviews
- Selection tests
- Medical examination / Post offer health screening

Recruitment and selection

It is important to ensure that recruitment and selection practices maximise the opportunity to attract the best person for the job. Many of the considerations stemming from this Guide would also be considered best practice in recruitment generally.

Job description

The job description should accurately reflect the requirements of the job. It is good practice to review every job description on a regular basis and prior to any recruitment. It is also good practice to distinguish between the main activities of the job and marginal activities that may not be essential parts of the role. This will help when trying to consider reasonable adjustments, as it will be easy to see if tasks could be transferred to another member of staff or if they are fundamental to the role.

Example

If the role includes driving a delivery van once a quarter (a marginal activity), it is likely to be reasonable to allocate those duties to another member of staff if the best candidate in all other respects was unable to hold a driving licence due to their disability. In comparison, in a job that involves driving a delivery van for most of every shift (a main activity), it may not be a reasonable adjustment to reallocate these duties.



Person specification

A person specification should be prepared and used throughout the recruitment and selection process which outlines the essential skills, experience and other attributes that would be necessary for an individual to carry out the duties of the post. The person specification should also indicate those attributes that are desirable for the individual to possess, to help distinguish between different candidates and select the best applicant. It is important to scrutinise all criteria carefully. Care must be taken to avoid including any unnecessary or marginal requirements that may lead to discrimination and to ensure that any personal, medical or health-related criteria are absolutely necessary for the performance of the job.

Example

A managerial job includes essential travel to a rural location away from the office on a weekly basis and there is no public transport that can be used. Commonly, in a post like this, a driving licence would be included as an essential requirement; however, this could be indirect disability discrimination against people whose disability prevents them from holding a driving licence. Therefore a more appropriate essential requirement would be the ability to drive, travel or arrange a driver.

Advertising

Job advertisements should give brief details of the job content as well as key essential requirements and desirable selection criteria stated in the person specification.

Adverts must not make discriminatory statements in relation to people with disabilities. Care needs to be taken not to use language that could imply that applicants with a disability are unwelcome. Try to avoid unnecessary wording regarding mobility or character such as; strong; agile; prepared to work long hours.

A best practice approach to recruitment advertising would be to include a welcoming and encouraging statement in your advertisements. This is a public statement of policy and intent and lets potential applicants know that you will be able to understand and meet the needs of people with disabilities.

Example

- 'We welcome enquiries from people with a disability and value diversity in our workforce'
- 'We are willing to consider flexible working arrangements'

A statement encouraging people with disabilities to apply is not discriminatory against people who do not have a disability.

Employers should consider advertising in publications aimed at people with disabilities or notifying local disability organisations of all vacancies. See Sources of Support on page 45.



Recruitment and selection

Application forms

The application form should encourage applicants to declare a disability and explain the employer's commitment to a positive approach towards equality of opportunity in employment.

Application forms should:

- Ask whether the applicant believes that they will need the employer to make a reasonable adjustment/good practice in the selection process, or in the job itself, and what this adjustment might be.
- Not insist on hand-written replies.
- Ensure that the form is easy to follow and read, avoids very small print and has adequate space for replies – this will help all applicants, not just those with disabilities.
- Ideally, and where practicable, the form should be available in different formats. This may include audio, Braille, large print and electronic, then allowing candidates to submit the form in an alternative format.



Job Creation / Job flexibility -

Working with supported employment agencies

Job creation/job flexibility is a method of job finding that has been developed by Supported Employment providers over the years; this is where a job is created by identifying parts of a job or tasks that the employer needs completing and can be completed by the job seeker with a disability. It can take imagination and creativity on the part of both the employer and the Employment Support Worker, but in many cases it can lead to a win-win situation for both the employer and the prospective employee.

Strategies for job creation and job flexibility include: job carving; job stripping and job enrichment:

- Job carving is when the tasks of the new employee are taken from the job descriptions of different existing jobs in the company. In that way, a new job is created that fits to the abilities and strengths of the supported employee. The other employees in the company have more time to do the tasks which they are qualified for or better suited to do.
- Job stripping is taking away some tasks from the regular job description that the employee finds more difficult to do, because of their disability, for example reading or carrying heavy objects. In exchange, the person might take over other tasks from his/her co-workers.
- Job enrichment is the adding of new tasks to the job description according to the abilities of the employee or to foster inclusion in the company. For example, in a job with little contact with co-workers during the day, the task of collecting mail in the company is added to allow the person to have more contact with co-workers.

Job creation can sometimes be the ideal solution for both the employer and a person with a disability. There are occasions when a person, due to their disability, can only work for a few hours each day or each week and a required task by an employer can be tailor-made for that individual.

Case study

A young woman on the autistic spectrum was seeking work in an office/administration environment. Due to her disability she was not comfortable with performing a wide range of mainstream office tasks, such as telephone answering, reception duties and interaction with customers. She did, however, have a great skill for detail, even when the work was repetitive. On discussing the situation with a prospective employer, the Employment Support Worker identified that the task of maintaining and filing invoices was not being carried out by the relevant team, due to a lack of time and a general view that the work was not of significant importance. However, the fact that the invoice filing was not being performed was causing considerable problems within the organisation, due to not being able to identify whether payments had been made and not being able to find invoices when discussing issues with the customer. The young woman with autism was able to perform all the invoice maintenance and filing tasks to a high standard, due to her attention to detail, and a job has been specifically created for her within the organisation. Both the employer and the employee are very satisfied with the outcome.

Recruitment and selection

Short-listing

It is good practice, to invite all disabled candidates who meet the essential criteria for the post to interview. This is called a Guaranteed Job Interview Scheme. Where it is not clear if a disability might have an effect on an individual's ability to complete the essential activities of the job, negative assumptions should not be made and the applicant should be given the opportunity to evidence their skills and explore what reasonable adjustments might remove any barriers.

References

Reference request letters for all candidates should only ask for information relevant to the job, based on the person specification (i.e. extent of skills, aptitudes and experience). No isolated reference to a disability should be made.

Interviews

If you know in advance that a candidate will need some reasonable adjustments to take part in a selection interview, you will need to arrange these. Even if you do not know in advance, you should try to accommodate any needs a person with a disability might have when they arrive.

Encouraging applicants to discuss any requirements early in the application process can help avoid any last minute problems and make the interview process easier for both candidate and interviewers. It may be useful to insert the following paragraph in your invitation for interview letters.

Example

"If you require assistance to attend this interview, for example, use of a signer or interpreter, mini-loop induction facility or car parking within close proximity to the interview venue - or if your disability affects your access to or mobility within buildings, please contact [named individual] at the above address, who will be happy to provide you with assistance".



All selection interviews should be objective and non-biased and all applicants should be allowed an opportunity to evidence their abilities and skills in relation to the job.

When interviewing a person with a disability, do not let any misconceptions or assumptions about disability influence your view on whether a person can do the job. Asking about a disability should only be done in a positive manner and in relation to the effect on someone's ability to do the job and focusing on what adjustments might remove any barriers.

Good practice advice

Practical working interview/tests can be more appropriate for some people with learning disabilities, especially when a person finds it difficult to articulate their skills in a job interview. Consider a Job Taster/ Work Experience Placement or even a short practical test.

Selection tests

Tests should only be used if they are strictly relevant to the job and measure an important aspect highlighted on the person specification. Care must be taken when selection tests are used that these do not discriminate unfairly against individuals with disabilities. Employers may need to make reasonable adjustments to enable candidates with disabilities to adequately demonstrate their skills. Examples of adjustments could include:

- Providing more time to complete the test
- Providing a personal reader/writer
- Providing a signer/communicator
- Providing support equipment, e.g. induction loops, adapted keyboards
- Allowing a break in a long test
- Adjusting how the test is scored

Medical Examinations / Post offer health screening

Some employers require all successful candidates for employment to have a medical examination and it would be appropriate for an employer to include a person with a disability in this process. However, it is not appropriate for an employer to insist on a medical check for a person with a disability and not for others, without justification - having a disability need not affect a person's general health. Occasionally it may be appropriate on health and safety grounds to complete a medical check with a view to implementing reasonable adjustments.

If after you have offered somebody a job, a health condition is brought to your attention, it must be treated as a disability. In asking medical questions, you should make it clear that individuals are welcome to discuss any health-related matters in person and in confidence with an appropriate member of your staff, either in addition to or as an alternative to filling in a questionnaire. Some people living with certain conditions prefer to be able to explain in more detail how they are successfully managing their condition and be on hand to answer any questions, rather than rely on a form.

Good practice advice

Throughout the Recruitment and Selection process it is advisable, and general good practice, to retain all data used and notes made with regards to selection decisions and the reasoning for selecting one candidate over another within the selection process. This would include original application forms, interview notes and selection test results, which should be kept after the interview for a period of 3-6 months. This will be of great assistance if an applicant wishes feedback or to appeal against your decision.





Induction/initial training for employees with disabilities

In this section you will find information on the following:

- Work place support
- Customs and practice

Induction/initial training for employees with disabilities

It is best practice to give an induction to all those entering new jobs. The induction is likely to be the new recruit's first chance to meet colleagues, find his or her way around the premises and to learn about your organisation. Everything will be new and unexpected issues may arise.

The employer may have to make adjustments to ensure a person with a disability is introduced into a new working environment in a clearly structured and supported way, with an individually tailored induction/training programme if necessary.

Work place support

Some people with a disability may take longer than other employees to settle into a job. It may be appropriate to allow a longer induction period than usual for some employees. This is particularly relevant when reasonable adjustments are being tried out. In some situations, it may be appropriate to assign another member of staff as a mentor to support the new employee for a specified period of time. There are also agencies in Jersey who can assist, so the additional time required need not impact on the company's productivity. See Sources of Support on page 45.



There are a number of ways in which an induction and initial training process can be made more accessible to a new employee with a disability. Employers should consult with the person concerned and with their support worker, if applicable. Where an employment support service has been involved in the recruitment process, a support worker will often come into the workplace to find out what is involved in the job. They then work out the best way for the person with a disability to be inducted into their post.

Example

A small building firm usually hands out written copies of all its policies by way of induction to new employees, and gives them half a day to read the documentation and to raise any questions with their line manager. A new employee has dyslexia and the employer arranges for her supervisor or a support worker, if appropriate, to spend a morning with her talking through the relevant policies.

Customs and practice

Most organisations have 'unwritten rules' about interaction between colleagues (such as who makes the coffee, where people sit at breaks, when it's okay to interrupt someone in their work). Some people will come into a workplace and pick these rules up quickly and easily; others, such as someone with a learning disability or someone on the autistic spectrum may find it more difficult. Be aware of the 'unwritten rules' of your workplace and be prepared to explain these to a new employee with a disability. Do not assume employees with certain disabilities will automatically pick up these 'unwritten rules'.

Example

When a person with autism starts a job or takes on new responsibilities, clear and structured training is invaluable. Rather than saying 'give everybody a copy of this', say 'make three photocopies of this, and give one each to Laura, Vikki and Sean'. You may also choose to provide written instructions. It can be helpful to ask the employee to repeat back instructions so you are sure they have understood.







Policies and practices

In this section you will find information on the following:

- Sickness absence
- Benefits of retention and redeployment
- Retention and redeployment policy
- Retention and redeployment process
- Redundancy
- Disciplinary action

Policies and practices

Once a person with a disability has been recruited it is important that the initial support is continued, with any adjustments reviewed regularly to ensure that the member of staff is able to be fully effective and develop in their role. The guidance on selection methods, given earlier in this Guide, would also apply to any selection procedure for promotion or training/development opportunities.

It is also important to note that around 7 out of 10 economically active people, of working age, will have become disabled during their working life,^[5] therefore consideration must be given to adjustments to try and retain these individuals. Usually the cost of any adjustments can be far less than those of recruiting a replacement employee and there may be assistance available from States of Jersey Social Security Department. See Sources of Support on page 45.

This section of the guide describes a range of policies and practices once a person with a disability has been recruited.

Case study

Following a three month absence due to depression, an employee was keen to return to work but was apprehensive and had lost some confidence. It was agreed between the employee, the employer and her GP that a phased return to work would be beneficial to everyone. A phased return plan was drawn up to ensure that the employee and her manager were quite clear what was to happen and when. It was agreed that during her first week back she would work part-time from Monday to Friday (afternoons only); during the second week she would work part-time Monday Tuesday, Thursday and Friday and full-time on Wednesday; in her third week she would work part-time on Thursday and Friday and full-time Monday – Wednesday. On week four she successfully made the transition back to full-time employment in her original job.

Sickness absence

With significant numbers of people who acquire a disability whilst in work, it is important to consider this when managing sickness absence. It is important to note that people who acquire a disability not only as the result of a single traumatic injury (e.g. a road traffic accident), but also due to the development or deterioration of a condition. It is good practice to be proactive in relation to an employee's absence and rehabilitation and to consider making reasonable adjustments before an employee's condition would necessarily be considered a disability. This may help employees return to work earlier and save the costs of sickness absence and replacement staff. Employers could consider:

- Where possible, maintain regular contact with the employee
- Refer the employee to occupational health providers if available
- Seek assistance from Social Security or a specialist agency such as JET
- Focus on bringing the employee back to work by discussing any adjustments that might be required and perhaps considering a phased return

There is a difference between sickness and disability-related absences. People with disabilities generally take no more or less sick leave than other employees. However, a minority, owing to the nature of their condition may need to take additional disability-related absences.

Example

An employer has a sick leave policy that limits absences to three days in any six-month period. If an employee acquires a disability or long-term health condition and needs regular treatment to stabilise his condition, the employer could be discriminating if he penalised the employee for taking sick leave relating to disability. It is best practice for employers to distinguish between sick leave and disability-related absences.

5. UK Government National Statistics, 2002.

Managers need to bear in mind that an employee who has been absent from work for any length of time may feel very anxious about returning to work; this may be the case particularly if the absence has been the result of mental health issues. It is vital that the employer takes steps to ease the transition back into work.

Example

Possible steps to ease transition back to work:-

- Arranging a social visit prior to their official return date;
- Keeping in contact, discussing fully any adjustments or supports that have been put in place;
- Agreeing to a phased return; where the employee can gradually increase their hours;
- Making sure the employee is not overloaded initially, although it is important that they are given meaningful work to do soon after their return;
- Discussing with the individual if they would like any support explaining their absence to colleagues and how they would like any changes in the workplace to be explained.



The benefits of retention and redeployment

There are many benefits of retaining people who develop a disability or health condition during their working lives. Many people with a disability have well-developed problem solving skills that can be of benefit in your workplace. Living with a disability or a health condition often means dealing with difficulties as part of everyday life, using planning, negotiation and problem-solving skills. These types of flexible and transferable skills can be useful and can promote a problem-solving culture.

Organisations that actively recruit and support employees with disabilities and health conditions tend to:

- Have good people management systems
- Retain expertise and skills
- Improve staff morale
- Enhance their public reputation

In addition, research has shown that, when disability and health are properly managed, employees with disabilities tend to take less sick leave than their non-disabled colleagues and stay with employers for longer. The cost of keeping an employee, through reasonable adjustment, who develops a disability or health condition will almost always cost far less than having to recruit and train a new employee.

Policies and practices

Often, adjustments that are made for people with a disability or health condition benefit others – both employees and customers. As an organisation becomes more disability aware, these changes become part of mainstream activities – just the way things are done – and this is to everyone's benefit.

Best practice in retention means holding on to valuable employees, whether they have a disability or health condition, when they are first employed or acquire a disability during the course of their employment. The key is to make your response to disability a positive one that focuses on how you can keep valuable human resources and enable people to perform to their full potential by making reasonable adjustments. This disability management approach to retention should:

- Increase the numbers of employees returning to work after a short or long-term absence
- Reduce the costs associated with absence in the workplace
- Improve productivity and employee morale
- Avoid inadvertent discrimination towards employees with a disability
- Avoid a negative approach, which focuses on irrelevant medical requirements or 'getting rid of' perceived problems

Retention and redeployment policy

There will be occasions when, after all reasonable adjustments have been made, an employee will be unable to carry out the duties in their post because of the effects of a disability or long term health condition. This situation may also occur where an individual has a disability that is stable, but the nature of their job changes significantly and they are not able to carry out the new duties even with reasonable adjustments.

Where there are no reasonable adjustments that would enable the person to stay in their original post, it is good practice to consider if there are any other posts that would be suitable. It would be a reasonable adjustment to transfer someone to a vacant post to allow them to be retained. However, the organisation does not have to 'create' a vacancy if there is not one available.



Retention and redeployment process

The following stages are suggested as a procedure to ensure that all options are considered. Ideally these should be written into a retention and redeployment policy to ensure that all supervisory staff are aware of their responsibilities. In any event, the stages are listed to present a potential outline of actions that may be considered by employers.

Stage one

Information should be collected to support the decision making process. Organisations may be able to refer the individual to a medical officer or occupational health provider who will be able to support this process. The States of Jersey can also provide some support to people with disabilities through Back to Work. The individual can be referred to Jersey Employment Trust (JET), who will be able to work with the individual to provide an assessment of their capabilities, strengths and areas for development. JET also has an Occupational Therapist who can provide appropriate clinical advice and assistance on more technical issues. See Sources of Support on page 45.

Stage two

All information available should be brought together to form a redeployment action plan. This should be based on the information from the medical officer (or occupational health provider), JET/Back to Work staff member and line manager and discussed fully with the employee. This would include details of what adjustments could be considered.

Stage three

This stage requires flexible and creative thinking. With the additional information available, the possibility for reasonable adjustments to the individual's current post should be reconsidered to ensure redeployment is the only remaining option. Consideration should then be given to any vacancies and any reasonable adjustments that could be made. It would be good practice to consider Job Creation/Job Flexibility (as discussed on page 11 of this Guide) at this stage. Throughout this process the individual must be fully consulted and their preferences taken into consideration.

Stage four

If there is any uncertainty whether a post will be suitable, it would be appropriate to arrange a short work placement in the new post. This gives the opportunity to assess the person's capabilities in the new post, refine any reasonable adjustments and for the individual to consider if they wish to proceed with the transfer. The placement should last between 1 – 4 weeks.

Stage five

Once the employee is re-settled into their existing job with adjustments or re-deployed into a new role, then the situation should be monitored to ensure that the employee is given the appropriate levels of support.

The most vital aspects of the retention and redeployment process are to ensure full consultation with the individual at all times throughout the process, and consideration of reasonable adjustments at all stages.

Remember there are support agencies, such as JET and Back to Work, who can offer advice and assistance throughout this process.

Policies and practices

Redundancy

In general, and in conjunction with the advice given by the Jersey Advisory and Conciliation Service (JACS), the same arrangements, duties and requirements for redundancy will apply for employees with a disability as for employees without disabilities. However, it is essential to recognise that it can sometimes be easy to unintentionally discriminate against a person with a disability in these situations.

It is normal practice for a consultation process with employees to be undertaken when redundancies are being considered. Employers need to ensure that any arrangements which are made for consultation do not discriminate against an employee with a disability. It is vital to make sure that they have received the information in an appropriate format, can fully understand the proposals and have the same chance as any other employee to contribute to the consultation process. It would be considered good practice to allow an employee with a disability to have independent representation throughout this process; support agencies such as JET can offer assistance in supporting the employee in such situations.

Example

It may require involving a representative for an employee who has a learning disability to help explain the process and to assist the individual to present feedback to management.

A person with a visual impairment should have any written information provided in large print or electronic format for them to be able to read it with assistive technology, such as enlarging text reader or audio read back software, if applicable.

Sometimes a set of criteria is used to determine who will be made redundant. The guidance on selection methods for recruitment should be followed to ensure that the criteria set, or assessment of the criteria do not discriminate against an employee with a disability.

Example

It is quite common practice to include number of days sickness absence as part of the selection criteria, for consideration for redundancy. However, if this includes absence caused by a person's disability, this could potentially be seen as disability-related discrimination. See advice given on all aspects of redundancy by the Jersey Advisory and Conciliation Service (www.jacs.org.je).



Example

An individual who is deaf and a BSL user (British Sign Language) usually lip reads in his day-to-day work, as it does not involve much communication and he does not feel a BSL interpreter is usually necessary. It would be a reasonable adjustment to offer to arrange an interpreter for a disciplinary meeting, as it is vital that he understands the content of the meeting and its implications.

Disciplinary action

Employees with a disability are covered by the same disciplinary policies as all other employees. However, care must be taken throughout the disciplinary process to ensure that the employee is able to fully participate in the disciplinary process and that there are no factors relating to a person's disability that have led to the disciplinary action being required; such as a person on the autistic spectrum misunderstanding unwritten rules or codes of conduct. 'Reasonable adjustments' may need to be made in relation to arrangements for disciplinary action or interviews in the same way as for other situations/procedures. It would be considered good practice to allow an employee with a disability to have independent representation throughout this process; support agencies such as JET can offer assistance in supporting the employee in such situations.

The Jersey Advisory and Conciliation Service (JACS) can provide advice on all aspects of disciplinary action and procedure and there are a number of specialist agencies that can offer advice on disability related issues. See Sources of Support on page 45.







Disability etiquette

In this section you will find information on the following:

- Terminology
- Advice when communicating with people with different conditions
- People who are deaf or hard of hearing
- People who lip read
- People who are visually impaired
- People with impaired speech
- People with impaired mobility
- People with learning disabilities
- People with HIV
- People with mental health issues
- People with an autistic spectrum condition
- People with more than one condition or impairment
- Communication methods

Disability etiquette

The information provided in this part of the Guide will be helpful when meeting, interviewing and recruiting people with disabilities.

It is common for false assumptions to be made about people with disabilities. However, more thought given to the words and phrases used can influence and change the way people think about, and act towards, people with disabilities.

People generally want to use language that describes disability accurately and does not cause offence, but are often not sure what would be best. In this section of the Guide, a range of common phrases and courtesies are provided to develop a greater understanding the views and preferences of people with a disability.

As all people with disabilities are individuals, there are no hard and fast rules regarding etiquette and terminology. These explanations are intended to be helpful, but often the best way to make a person with a disability comfortable with you is to ask for their advice.

The most important thing to know when interacting with people with disabilities is that they are people and just like all people, they are very different, including being different in how they are with disability issues.

Terminology

What is appropriate terminology, for example, disability, impairment, or health condition? When you're working with someone, you can ask what terminology he or she prefers. When you're speaking in public or writing, you'll need to do a little research to ensure that you use widely-accepted terminology and avoid potentially offensive terminology. There are some guidelines later in this chapter.

The most important thing to know when interacting with people with disabilities is that they are people and, just like all people, they are very different, including being different in how they are with disability issues.

Do not make assumptions about people or their disabilities.

Do not assume you know what someone wants, how they feel, or what is best for them. If you have a question about what to do, how to do it, what language or terminology to use, or what assistance to offer, do not be afraid to ask them. That person should be your first and best resource.

Remember that people with disabilities have different preferences.

Just because one person with a disability prefers something one way does not mean that another person with the same disability also prefers it that way.

Ask before you help.

Before you help someone, ask if they require assistance. In some cases a person with a disability might seem to be struggling, yet they are fine and would prefer to complete the task on their own. Follow the person's cues and ask if you are not sure what to do. Do not be offended if someone declines your offer of assistance.



Talk directly to the person with a disability, not to the interpreter, support worker, or job coach.

You do not need to ignore the others entirely; just make sure to focus your interaction with the person.

Speak normally.

Some people have a tendency to talk louder and slower to people with disabilities. Do not assume that because a person has one disability, that he also has a cognitive disability or is hard of hearing. For example, a person with cerebral palsy might use a wheelchair, have uncontrolled upper body movements, have difficulty speaking, and yet have very good hearing, cognitive abilities, and intelligence.

Use “people-first” language when referring to people with disabilities.

People-first language means put the person first and the disability second. For example, say “a man who is blind” rather than “a blind man,” and “a woman who uses a wheelchair” instead of “a wheelchair-bound woman.” Use people-first language when speaking with people with disabilities, and when speaking and writing about people with disabilities.

Avoid potentially offensive terms or euphemisms.

Commonly accepted terminology includes “people with disabilities” and “a person with a visual/hearing/physical/speech/cognitive impairment.” Many people find annoying or offensive terms such as, restricted to a wheelchair, victim of, suffers from, retarded, deformed, crippled, and euphemisms such as physically challenged. If you are unsure, ask the person with a disability what terminology he or she prefers.



Disability etiquette

Advice when communicating with people with different conditions

The following provides some guidance and tips when communicating with people who have specific conditions:

People who are deaf or hard of hearing

The first language of people who are born deaf, or become deaf before spoken language is acquired, is normally British Sign Language, however, it should not be assumed that a deaf person can sign.

Here are a few general pointers to bear in mind when meeting someone who has experienced hearing loss:

- Remember to speak to the person you are meeting, rather than their interpreter
- If you need to catch the person's attention, you should do so by lightly touching their shoulder or by waving your hand
- Interpreters should only work for half an hour before being given a break. Meetings of more than 2 hours should have 2 interpreters working
- At the start of any meeting you should check with the person that they have no objection to being provided with confidential information via an interpreter. If they object, an alternative should be arranged for this

When arranging to meet someone who is deaf or hard of hearing, consider also:

- Setting up a meeting room free from background noise or with a minimum of noise
- Fitting an induction loop, which amplifies sound for an interview or other type of meeting or event where you know someone with a hearing aid will be present
- Making clear at the outset of a meeting that one person at a time should speak and that all comments or questions should be directed through the chair
- Where it is essential to communicate by telephone, ensure you speak clearly and any answer phone messages are kept brief



Identify yourself clearly and introduce anyone else who is present in the room and indicate where they are placed in relation to the person who is visually impaired.

People who lip-read

Lip-reading is a specialist skill that some deaf people use. You can ask people if they lip-read when you meet them. If they do, it is best to:

- Look directly at them and speak slowly and clearly, making sure that your face can be seen
- Keep sentences reasonably short
- Use suitable facial expressions or other body language to emphasise what you are trying to convey
- Do not make assumptions that the person does/does not understand, clarify with the person, e.g. use written notes.

People who are visually impaired

When meeting someone who is visually impaired it is good practice to:

- Identify yourself clearly and introduce anyone else who is present in the room and indicate where they are placed in relation to the person who is visually impaired
- Say the name of the person you are talking to when part of a group
- Make sure you let the person know when you have ended a conversation and want to move away
- Take care not to distract a person's guide dog. Speak to the person, not the dog

When arranging to meet someone with a visual impairment, ensure that:

- The room has good levels of light and a means of controlling glare
- The meeting or interview room is clearly signposted or that a member of staff is on hand to offer assistance

People with impaired speech

When meeting someone with speech impairment, it is helpful to:

- Be attentive and patient, because it can take longer for someone to make their point
- Avoid correcting or speaking for the person; wait quietly while the person speaks and resist the temptation to finish his or her sentences
- Tell the person if you do not understand (if you have difficulty understanding, do not pretend!)

People with human immunodeficiency virus (HIV)

If people with HIV are diagnosed early and respond to treatment they can be healthy, work and have relationships like anyone else and have a long life expectancy. Coming to terms with an HIV diagnosis and getting used to treatment can be very difficult, and people living with HIV will often need support from healthcare providers, friends and family, employers and support organisations.

It's important to remember that people living with HIV are able to work just like anyone else.

Disability etiquette

There is no risk of HIV transmission through everyday work contact for either colleagues or the public. If someone discloses their HIV status to you, or a member of your staff, it is important to respond in a sensitive manner. Remember, many HIV positive employees may fear that they will be discriminated against, so it is important to reassure them that you will respect their confidentiality and support them to manage their condition at work.

People with impaired mobility

When meeting someone with impaired mobility:

- Stand in front of the person and try and place yourself at their eye level
- Do not move about so that the person has to continually change position in order to speak directly to you
- Talk directly to a wheelchair user, not to their companion
- Do not lean on a wheelchair – you are invading the body space of the user

There are a number of steps that can be taken in advance if you are going to be interviewing or meeting someone who has a mobility difficulty. For example you can:

- Check that there are suitable parking facilities close to your meeting place
- Make sure that the entrance is level, or has a ramp
- Ensure that the doors are easy to open or that a member of staff is available to offer assistance with heavy or revolving doors
- Check where the nearest accessible toilets are located
- Organise a meeting room that is easy to get to for someone using a wheelchair or walking aids, and ensure that it has sufficient space to allow the person with a disability to remain fully mobile and unobstructed

People with learning disabilities

- The best advice is to be patient and encourage the individual. It is also worth noting the following:
- Be prepared to explain more than once if necessary, and do not assume you will be understood; ask the person to stop you if they do not understand
- Do not ask multiple questions and keep the sentence structure concise and jargon-free
- Use clear and unambiguous language, whether in written or verbal communication. This is something that everyone can benefit from
- A person with a learning disability may have access to a job coach, non-legal advocate or support worker who provides employment assistance if required

People with mental health issues

Having a mental health issue is not the same as having a learning disability. An estimated one in four people experience some kind of mental health issues in their lives. The main hurdle that people with mental health issues face is other people's attitudes.

It is worth remembering that:

- It can be helpful to consider where the person wants to meet, because this gives them a choice of what would be the most comfortable setting
- Sometimes people like to have the opportunity to have a supporter or non-legal advocate with them
- You should not hurry people into making a decision - give them time to make up their minds

People with an autistic spectrum condition (ASC)

People with Autism or Asperger syndrome thrive in a structured and well-organised environment and have many strengths that are advantageous to an employer, such as accuracy, good eye for detail, reliability and meticulous application of routine tasks. However, they may have varying (but often mild) difficulties with the following:

- Clear understanding of verbal and non-verbal communication such as body language, facial expressions, idiomatic language etc. They may take words literally
- Building social relationships, starting and maintaining conversations on general topics that may not be of particular interest to them
- Imaginative activity: may have narrow interests and find it hard to think in abstract ways. Their literal interpretation of the world means they are much more comfortable with facts rather than hypotheses



Disability etiquette

During a discussion or perhaps an interview, you should consider the following points:

- Ask closed questions and avoid open questions. For example, asking, 'Tell me about yourself' is very vague and the candidate may not be able to judge exactly what you want to know. A better question would be, 'Tell me about any jobs/voluntary work you have done in the last five years.'
- Ask questions based on the candidate's real/past experiences, for example, 'In your last job, did you do any filing or data input?'; 'What processes/procedures did you use to do this effectively?'
- Avoid hypothetical or abstract questions, for example, 'How do you think you'll cope with working if there are lots of interruptions?' A better question would be, 'Think back to your last job. Can you tell us how you coped with your work when people interrupted you?'
- If the person is talking too much, let them know – they may find it hard to judge how much information you need. You can do this tactfully by simply saying, 'Thank you, you've told us enough about that now, and I'd like to ask you another question.'
- Be prepared to prompt the person in order to extract all the relevant information and gather sufficient information.
- Be aware that the person may interpret language literally. Asking, 'How did you find your last job?' may result in an answer of 'I looked in the map book' or 'I looked in the paper, sent for the application form and completed it.'
- Be aware that eye contact may be fleeting or prolonged, depending on the individual.

People with more than one condition or impairment

- Some people have more than one condition or impairment which can have a cumulative effect where one condition can compound on another
- Again it is always best to ask the person about their preference



Communication methods

Information must be made available that is understandable and accessible by all. Some people with disabilities will need information to be provided in different formats. Not all communication provided by the organisation needs to be provided in every format, this would be expensive and time-consuming, but it is important to have an awareness of what different methods are available and how to produce these quickly if they are required. Local and national support organisations may be able to provide these services. The most common alternative communication methods are as follows:

Audio

Audio has the benefit that everyone is able to use it except those with very significant hearing loss. It is of particular benefit to people with learning disabilities, visual impairments, low literacy levels, or those who may have problems with their hands. You will need to decide whether to record the tape yourself or to go through a transcription agency. Doing it yourself may be appropriate if responding to an individual request, whilst an agency can produce a tape with a more 'professional' feel, often including music and other effects.

Electronic

Making information available in electronic format can be a cheap and easy way to reach a growing number of blind and partially sighted people who have access to computers and other information technology devices.

Braille

Braille is a system of raised dots which some blind people can read with their fingers. Some blind and partially sighted people prefer particular types of information in Braille, for example information to be used in meetings or to be read silently.

Large Print

For the majority of blind and partially sighted people, larger print is essential. No single size is suitable for everyone but most people prefer their large print in the range of 16 to 22 point in a clear font such as Arial.

British sign language (BSL) interpreters

BSL is a visual language, communicated in a variety of ways: using specific signs, using different hand shapes and movements, facial expressions, lip patterns and upper body movements. It is not based on English and different countries have their own national sign language.

Lip-speakers:

Lip-speakers convey a speaker's message to lip-readers without using their voice. They produce clearly the shape of the words, the flow, rhythm and phrasing of natural speech and repeat the stress used by the speaker.

Deafblind interpreters

Communication methods used by deafblind people vary greatly depending on the amount of residual sight and hearing. Some will be able to hear speech, lip-read and use sign language; many of those who can't hear speech or see sufficiently to follow lip-reading or visual sign language will use some form of tactile communication.

Minicoms / textphones

Minicoms/Textphones allow hearing impaired people to communicate over the telephone using a keyboard and visual display.

Useful websites

The following websites provide guidance and information on alternative communication methods:

Royal Association for Deaf people (RAD)
www.royaldeaf.org.uk

The British Deaf Association
www.bda.org.uk

The Association of Lipspeakers (ALS)
www.lipspeaking.co.uk

The British Computer Association of the Blind
www.bcab.org.uk

The Royal Blind Society
www.royalblindsociety.org

Deafblind UK
www.deafblind.org.uk

Sense for Deafblind People
www.sense.org.uk





Advice and support for employers

In this section you will find information on the following:

- How can employers be more proactive?
- Job creation - working with supported employment agencies
- Work experience placements
- Job tasters
- Work-site visits
- Mock interviews
- Encourage job applications from people with disabilities
- Sources of support /Support organisations
- Useful contacts

How can employers be more proactive?

In addition to the good practice measures, processes and activities highlighted in this Guide, there are further ways in which employers can help people with disabilities to prepare for, or enter, employment. Even if an employer does not have an actual job vacancy, there are areas that employers, by using creative thinking, can assist people with disabilities to become more competitive and increase their job prospects in the labour market.

Job creation - Working with supported employment agencies

Job Creation is where an agency such as JET works in partnership with an employer to identify parts of a job or tasks that the employer needs completing and can be completed by the job seeker with a disability. It can take imagination and creativity on the behalf of both the employer and the Employment Agency, but in many cases it can lead to a win-win situation for both the employer as well as for the prospective employee. For more information and examples of job creation see Recruitment and selection - Job Creation / Job Flexibility page 15.

One of the most effective methods to improve awareness of employment and disability issues and to demonstrate commitment to a proactive approach in supporting people with disabilities is to offer work experience placements within the organisation.

Work experience placements

Many managers are apprehensive about employing a person with a disability. The vast majority of these concerns are ill-founded and can stem from a lack of knowledge about the capabilities of people with disabilities and the types of support available.

One of the most effective methods to improve awareness of employment and disability issues and to demonstrate commitment to a proactive approach in supporting people with disabilities is to offer work experience placements within the organisation. This is often for people who have not worked before or who have developed a disability and need to change careers. The placements should be strictly time limited to between 2-8 weeks, usually on a part-time basis, involve clear goals and activities and be facilitated through a local supported employment organisation, such as the Jersey Employment Trust.

The benefits of a work experience placement to an individual with a disability may include:

- Increasing or updating existing skills
- Determining strengths and weaknesses
- Identifying work preferences
- Obtaining an up-to-date reference
- Gaining relevant work experience

In providing a work experience placement it is important to draw up an agreement between the organisation, individual and any support organisation. This should include the terms of the placement (duration, hours, supervision), and include the provision of insurance cover. Individuals would not normally receive payment whilst on placement but should be provided with any uniform or safety equipment appropriate to the job. The Jersey Employment Trust would be able to support the manager to complete these arrangements as well as finding a suitable individual to undertake the placement.

Job tasters

A job taster should be organised in much of the same manner as that of a work experience placement (see above). The main difference is that the duration of a job taster would not be expected to last for more than two weeks and may indeed be only for a day or two. Job tasters are a simple yet effective way to enable a person with a disability to get a flavour of a specific industry and to sample different types of work for a short period of time. This can be of benefit with regards to identifying future employment goals and also assists a person to gain an insight into particular work environments.

Work-site visits

Labour market statistics tell us that people with disabilities are more likely to have been out of work for considerably longer periods compared to non-disabled people. Moreover, significant numbers of people with disabilities may have never been in work and are quite unaware of particular industries, work-place environments and job activities.

By facilitating an organised work-site visit, an employer can provide a person with a disability with a brief insight into the realities of work and the roles and tasks performed in their workplace. This may well influence their career choices as well as helping prepare for the world of work.

Work-site visits should ideally be organised and co-ordinated through an employment support organisation and would not be expected to last more than a few hours.



How can employers be more proactive?

Mock interviews

An extremely beneficial activity that an employer can participate in is that of a mock interview – a practice interview for a job. There does not have to be an existing vacancy or a future vacancy for an employer to dedicate some time to giving a person with a disability a mock interview.

For any job applicant, employment interviews are a nerve-wracking prospect at the best of times. For people with disabilities who may not have much or any experience, the prospects of a formal job interview can be intimidating and daunting. A mock interview undertaken by an employer/HR/personnel manager can provide a person with a disability with much needed experience and useful feedback. Additionally, through providing mock interviews, employers can also gain confidence and experience of interviewing a disabled person

It is important for the mock interview to be as realistic as possible and the employer may interview a person for an actual post with the job seeker completing an application form or submitting a CV. As the mock interview is in essence a rehearsal, then it would be appropriate for the interviewee to dress accordingly and present themselves as formally as possible. It may be that the mock interview is videoed to provide feedback and for the individual to 'view' their own performance.

For the mock interview to be of benefit to the job seeker, then feedback from the employer must be honest, constructive, diplomatic and helpful. It may be useful for any Employment Support Worker to be present at the mock interview but they should not participate in answering or asking any questions.

Encourage job applications from people with disabilities

Employers could target people with disabilities and disability organisations by sending them future job vacancies. A welcoming and encouraging statement in job advertisements conveys a positive message that as an employer you take your responsibilities under equal opportunities seriously.



Sources of support

There is a range of support available in Jersey to assist employers to introduce and develop good practice in employing and retaining an employee with a disability. Being aware of what potential help is available in Jersey should provide employers and managers with the support needed to enable them to be confident about addressing many issues relating to employment and disability. The following are the key organisations that can provide assistance to employers:

Support organisations



Jersey Advisory and Conciliation Service (JACS)

JACS is an independent and impartial service created to assist employers, employees, trade unions and employer associations to work with one another effectively.

The mission of JACS defines its role:

“To assist in the building of harmonious relationships between employers and employees, both collectively and individually and thereby help improve the performance and effectiveness of organisations”.

Much of JACS’ work is focused on preventing problems reaching the stage of a tribunal claim, rather than settling claims once the employment relationship has broken down, and they put significant resources into developing good practice training courses and business support services to ensure employers and managers recognise the benefits good employment relations can bring to building successful organisations.

Their website (www.jacs.org.je) is continually updated to reflect changes in legislation and up to the minute advice. This, together with their guide (A Practical Guide to Disability Discrimination 2018) and other publications provide employers with a great deal of helpful information, particularly small or medium sized employers who have said they found the section providing model policies and procedures very useful. In addition, they offer services to employers who wish to review and update their contracts of employment, application forms or staff handbooks and encourage them to attend appropriate training courses regularly run by JACS.

Sources of support



Jersey Employment Trust (JET)

JET is a charitable organisation whose primary aim is to assist people with a disability to find and sustain employment in the open labour market. JET offers employers a comprehensive recruitment service, with full screening of job seekers, analysis of the job and job matching service with their candidates. JET will provide information, advice and guidance services to employers wishing to employ or retain a person with a disability. They will provide advice on adaptations, grants and provide links with specialised agencies regarding Employment Law and Social Security.

Services available also include:

- Supported employment throughout Jersey specifically for people with disabilities
- Organising work experience placements to enable job seekers to develop their skills
- Workplace support for both employers and employees with a disability
- Disability awareness training for employers
- Workplace assessments for reasonable adjustments
- Consultancy and advisory service to employers regarding employment and disability issues



States of Jersey

The States of Jersey Back To Work team assists registered jobseekers to identify any development needs they may have and provide information on appropriate training and possible work opportunities.

Additionally, the Back To Work team can advertise job vacancies and help identify suitable candidates for vacancies.

Access to Work Grant

The Access to Work Grant aims to support people with a disability if they need aids or equipment to help them start work, return to work or remain in work. The grant is run and administered by the Customer and Local Services Department and people can apply for a grant to buy aids or equipment up to the value of £5000.

For a person with a disability to be entitled to the Grant they must:

- have entitled or entitled to work status
- be able to provide evidence to confirm there is a need for the aids or equipment requested
- be in paid work, or returning to or starting a paid job
- be in a work placement that is likely to turn into paid work (proof of a job offer at the end of the work placement, such as an employment contract or letter from your employer will be required)

Useful contacts

Autism Jersey
Century Buildings
Patriotic Place
St Helier
JE2 3AF

Tel: 01534 871888
Fax: 01534 871678
Email: admin@autismjersey.org
Web: www.autismjersey.org

Citizens Advice Bureau
St Paul's Community Centre
St Paul's Gate
New Street
St Helier
Jersey JE2 3WP

Tel: 0800 735 0249 (Freephone)
Tel: 01534 724942
between 10am - 3pm
Fax: 01534 617508
Email: advice@cab.org.je
Web: www.cab.org.je

Headway (Jersey) Brain Injury Association
Le Coie Centre
Springfield Road
St Saviour
Jersey JE2 7DN

Tel: 01534 505937
Fax: 01534 505937
Email: headwayinjersey@gmail.com
Web: www.headway.org.je

Hearing Resource Centre
Overdale
Westmount Road
St Helier
Jersey JE1 3UH

Tel: 01534 443030
Fax: 01534 443031
Email: health@gov.je

Jersey Advisory and Conciliation service (JACS)

Trinity House
West Centre
Bath St
St Helier
JE2 4ST

New address from 2019:
3rd floor
1 Seale Street
St Helier
JE2 3QG

Tel: 01534 730503
Email: jacs@jacs.org.je
Web: www.jacs.org.je

Eyecan

Westlea Centre
Rue du Huquet
St Martin
Jersey JE3 6HU

Tel: 01534 864689
Fax: 01534 864733
Email: info@eyecan.je
Web: www.eyecan.je

Jersey Community Relations Trust

PO Box 681
St Helier
JE4 0NL

Tel: 01534 484019
Email: admin@trmediationmanagement.com
Web: www.jerseycommunityrelations.org

Jersey Employment Trust (JET)

The Oakfield Building
La Rue du Froid Vent
St Saviour
Jersey JE2 7LJ

Tel: 01534 788900
Fax: 01534 788901
Email: admin@jet.co.je
Web: www.jet.co.je

Useful contacts continued

Jersey Mencap

Howard Davis Farm
La Route de la Trinite
Trinity
JE3 5JP

Tel: 01534 866622
Email: alex.wiles@jerseymencap.org
Web: www.jerseymencap.org

Macmillan Cancer Support (Jersey)

Cancer Information and Support Centre
2nd Floor, Suite 2.13
Lido Medical Centre
St Saviour's Road
St. Saviour
Jersey JE2 7LA

Tel: Freephone 0800 735 0275
Fax: 01534 498373
Email: admin@macmillanjersey.com
Web: www.macmillanjersey.com

MIND Jersey

Centurion House
17 Beresford St
St Helier
JE2 4TW

Tel: 01534 880317
Tel: 0800 735 9404
Email: help@mindjersey.org
Web: www.mindjersey.org

States of Jersey Social Security Department

Po Box 55
La Motte Street
St Helier
Jersey JE4 8PE

Tel: 01534 445505
Fax: 01534 445525
Email: socialsecurity@gov.je
Web: www.gov.je

States of Jersey Pain Management Centre

Overdale
Westmount Road
St Helier
Jersey JE2 3UH

Tel: 01534 444531
E Mail: health@gov.je

Customer and Local Services

Access to Work Grant

PO Box 55
La Motte Street
St Helier
Jersey JE4 8PE

Tel: 01534 445505
Fax: 01534 445525
E Mail: customerservice@gov.je
Web: www.gov.je

Back to Work Services

Eagle House
Don Road
St Helier
JE2 4QB

Tel: 01534 447411
E Mail: backtowork@gov.je
Web: www.gov.je

Triumph Over Phobia (TOP) Jersey

Southdown
New Zealand Avenue
Claremont Road
St Saviour
Jersey JE2 7RU

Tel: 01534 608008
Tel: 0800 735 0608
Email: topjerseyci@gmail.com

A word from our supporters



The States of Jersey enacted the Discrimination (Jersey) Law in 2013. The Law protects a person from direct and indirect discrimination, victimisation and or harassment on the grounds of “protected characteristics”. The purpose of the law is to give legal effect to some important moral principles.

The first is that assumptions should not be made about a person’s worth or ability purely on the basis of personal characteristics such as race, sex, age and disability. All people should be treated with respect and as individuals.

The second principle is that the States, employers and organisations all have a duty to be inclusive in the way in which they operate. This means making physical changes such as aisles in shops that are wide enough to accommodate a wheel chair user and operational changes such as allowing part-time or flexible working. In many cases the changes will be small, but the impact on the individual can be substantial as it enables them to engage and participate in work and the community.

The implementation of the Discrimination Law may continue to be a challenge for some employers. This Good Practice Guide will help enormously. Following the good practices contained within the Guide makes commercial sense, but more importantly it will make the experiences of people with disabilities participating in the employment market much more positive.

Toni Roberts

Executive Director

Jersey Community Relations Trust

A word from our supporters



The introduction of phase 1 of the Disability Discrimination Regulations were introduced on 1 September 2018 (phase 2 will be effective from 1 September 2020) and these put in place legal obligations.

However, it is not just about ensuring such legal obligations are met, it is imperative that all employees are treated fairly, and reasonable adjustments are made in order to recruit and retain staff. After all it is important that the right person is recruited to a role and if this means some adjustment is required to have the right person in the role then this should not be a deterrent from employing them in the first instance.

This guide is highly recommended written by an organisation that knows most about working with disabled people, it presents a practical approach to all aspects of employment and will be of benefit to all employers, large or small.

Patricia Rowan

Director, Jersey Advisory and Conciliation Service

www.jet.co.je

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Oakfield Building -
Highlands Campus
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St Saviour
Jersey JE2 7LJ
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