



TEMPLATE RESPONSE FORM

Draft “Code of Practice on the Nature and Extent of an Employer’s Obligation to Provide Reasonable Accommodation to Employees with Disabilities”

1. Name of organisation/representative group/company/individual

Chime, the National Charity for Deafness and Hearing Loss

2. Contact details of organisation/representative group/company/individual

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3. Is the information contained in the draft Code accurate? If there are inaccuracies, please identify these by referencing a page and paragraph number.

We have identified no inaccuracies.



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**

Irish Human Rights and Equality Commission

4. The purpose of the Code is to reflect the relevant law and must use the definitions within the law. The Code explains the different definitions of “disability” within the relevant laws including the Employment Equality Acts and in European Union law. Do you have any comments on the explanation of the various definitions of “disability” in the draft Code?

As the draft code points out, definitions of disability in some instances are ‘medical based’ (e.g. EEA). Now that the Ireland has ratified UNCRPD, and the Convention has a social model of disability, in our view this model should be pre-eminent. As such deciding bodies should consider UNCRPD principles in adjudicating on issues into the future. Bodies providing guidance to stakeholders and the wider public should amend their advice accordingly.

5. The purpose of the Code is to reflect the relevant law and must use the definitions within the law. The Code provides definitions of key concepts including “reasonable accommodation” and “appropriate measures”. Do you have any comments on these definitions in the draft Code?

We believe that the definitions in the current draft are appropriate in the current circumstances.



6. Are there aspects of access to reasonable accommodation which are not fully covered in the draft Code either in relation to accessing employment or while in employment? If so, please specify what extra information should be included.

Chime believes that the 'public funding' available to meet the cost of reasonable accommodation' is currently inadequate and unfit for purpose where the employment of Deaf and Hard of Hearing (D/HH) people is concerned. While communication support in the form of a sign language interpreter and/or captioning are available for individuals seeking employment, i.e. for job interviews, no such support is available to them whilst in employment. This means that D/HH people often cannot participate or progress in their employment on a par with hearing peers, and often experience social isolation and under-employment in the workplace. Chime believes a major cause of this is the inadequacy of the publicly funded reasonable accommodation currently provided by the Department of Social Protection.

Chime believes that the current status quo is a major barrier in accessing employment for D/HH people and can create major dilemmas for prospective employers. As a result, many D/HH people end up unemployed or in employment roles that are not reflective of their abilities and potential.

Chime has recently highlighted (again) the need for in-work communication supports for D/HH people in our submission to the Department of Social Protection on the consultation re the Reasonable Accommodation Fund (RAF). We believe that major changes are required if this scheme is to operate on a basis consistent with the principles of UNCRPD, and specifically Article 27.

We are somewhat concerned that this draft code is being developed at a time when the RAF is totally inadequate, is currently under review, and where recent court judgements have indicated the importance employers having regard to the availability of public funding or other assistance to implement appropriate accommodations. In an ideal world – which we know we are not in at present – this draft code would be developed in circumstances where a more comprehensive and equitable publicly funded RAF was in existence. We hope the development of this code by IHREC provides the context for an expedited review and reform of the RAF.



7. If approved by the Minister, the Code will be a legal document and we propose issuing guidance documents alongside the Code to ensure it is accessible. These documents will include a guidance note and FAQ document. Are there any other supporting documents or materials that you believe would be helpful?

The guidance note and the FAQ document should be available in Irish Sign Language.