

# DISCRIMINATION IN THE WORKPLACE OBTAINING A JOB

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6 & 7 November 2009

# DISCRIMINATION IN RECRUITMENT OF EMPLOYEES

It is unlawful for an employer to discriminate against a disabled person:

- In the arrangements made for deciding who should be offered employment – eg. Setting unnecessary requirements in a person specification
- In the terms on which the disabled person is offered employment – eg. Imposing a longer probationary period than normal; offering a lower than normal starting salary

# DISCRIMINATION IN RECRUITMENT OF EMPLOYEES

- By refusing to offer, or deliberately not offering the disabled person employment

# RECRUITMENT – DUTY TO MAKE REASONABLE ADJUSTMENTS

Applies where:

- A Provision Criterion or Practice of the employer, or;
- Any physical feature of premises occupied by the employer

Places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled

# THE EXTENT OF THE DUTY

The employer must:

- Take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, criterion or practice, or feature, having that effect

# THE DUTY APPLIES TO

In relation to determining to whom employment should be offered to:

- Any disabled person who has notified the employer that he may be an applicant for the job; and
- In any other case to:
  - Any disabled person who is an applicant for the employment
  - Any disabled person who is an employee of the employer

# HARASSMENT

There is unlawful discrimination where for a reason which relates to the disabled person's disability, a person engaged in unwanted conduct which has the purpose or effect of:

- Violating the disabled person's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment

# PRACTICAL WORK EXPERIENCE

A Placement Provider must not discriminate against a disabled person who is seeking or undertaking a work placement:

- In the arrangements made for determining who should be offered a work placement;
- In the terms on which access to any work placement or facilities concerned with the placement is given;

# PRACTICAL WORK EXPERIENCE

- By refusing or deliberately omitting to afford access to a placement;
- By terminating a placement; and
- By subjecting him to any other detriment during the placement.

# DUTY TO MAKE REASONABLE ADJUSTMENTS

Placement Providers have the same duty to make reasonable adjustments as employers, but:

- It would not be reasonable to expect a Placement Provider to incur substantial expense given the short time that a work placement will last;
- The may be shared with another party – Providers of Employment Services or Educational establishments involved in the placement; and

# DUTY TO MAKE REASONABLE ADJUSTMENTS

- Some disabled students may be able to fund adjustments out of their Disabled Students Allowance.

# PROVISION OF EMPLOYMENT SERVICES

- Includes vocational guidance or training services; and
- Services designed to assist people to find or keep jobs or to establish themselves in an occupation in a self employed capacity:
  - Eg. Employment agencies; Jobcentre Plus.

# PROVISION OF EMPLOYMENT SERVICES

It is unlawful for Employment Service Providers to:

- Refuse to provide to a disabled person any service which it provides to members of the public;
- Provide a lower standard of service to a disabled person; and
- Treat a disabled person less favourably in the terms on which services are offered

# JUSTIFICATION

Employment Service Providers may be able to justify:

- Failure to make reasonable adjustments;
- Failure to provide an aid or service; and
- Less favourable treatment not amounting to direct discrimination.

# JUSTIFICATION

Only if the Service Provider reasonably believes that certain limited conditions apply e.g. health and safety reasons, cost of a tailor made service

# Questions?

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