



International
Labour
Office
Geneva

Managing disability in the workplace

ILO code of practice

**Managing disability
in the workplace**

International Labour Office Geneva

Copyright © International Labour Organization 2002
First published 2002

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to the Publications Bureau (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

ILO

Managing disability in the workplace. ILO code of practice
Geneva, International Labour Office, 2002

Code of practice, disabled worker, rights of the disabled, human resources management. 15.04.3

ISBN 92-2-111639-5

Also published in French: *La gestion du handicap sur le lieu de travail. Recueil de directives pratiques du BIT* (ISBN 92-2-211639-9, Geneva, 2002); and in Spanish: *Gestión de las discapacidades en el lugar de trabajo. Repertorio de recomendaciones prácticas de la OIT* (ISBN 92-2-311639-2, Geneva, 2002).

ILO Cataloguing in Publication Data

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers. The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org

Visit our website: www.ilo.org/publns

Preface

People with disabilities are not a homogeneous group. They may have a physical disability, a sensory, intellectual or mental disability. They may have had a disability from birth, or acquired this in their childhood, teenage years or later in life, during further education or while in employment. Their disability may have little impact on their ability to work and take part in society, or it may have a major impact, requiring considerable support and assistance.

Throughout the world, people with disabilities are participating and contributing in the world of work at all levels. However, many persons with disabilities who want to work do not have the opportunity to work due to many barriers.

Unemployment among the world's 386¹ million disabled people of working age is far higher than for working-age individuals.² While it is recognized that economic growth can lead to increased employment opportunities, the code outlines best practices which enable employers to utilize the skills and potential of people with disabilities within existing national conditions.

It is increasingly apparent that disabled people not only have a valuable contribution to make to the national economy but that their employment also reduces the cost of

¹ Based on the World Health Organization's estimate that 10 per cent of the world's population has a disability, or 610 million people, of whom 386 million are between the ages of 15 and 64 years (United Nations: *World Population Prospects, 1998 Revision*, New York, 1999).

² Reported unemployment rates vary from 13 per cent in the United Kingdom, a rate which is twice that of the non-disabled workforce, to 18 per cent in Germany, to an estimated 80 per cent and more in many developing countries.

Managing disability in the workplace

disability benefits and may reduce poverty. There is a strong business case for employing people with disabilities since they are often qualified for a particular job. Employers may also gain by expanding the number of eligible workers through continuing the employment of those who become disabled, since valuable expertise acquired on the job and through work-related training is retained.

Many organizations and their networks – including employers' and workers' organizations and organizations of persons with disabilities – are contributing to facilitating the employment, job retention and return-to-work opportunities for disabled persons. Measures adopted by these organizations include policy statements and provision of advisory and supportive services.

This code has been drawn up to guide employers – be they large, medium-sized or small enterprises, in the private or public sector, in developing or highly industrialized countries – to adopt a positive strategy in managing disability-related issues in the workplace.

While this code is principally addressed to employers, governments play an essential role in creating a supportive legislative and social policy framework and providing incentives to promote employment opportunities for people with disabilities. Moreover, the participation and initiative of people with disabilities is important for the code to be achievable.

The contents of the code are based on the principles underpinning international instruments and initiatives (listed in Appendices 1 and 2) designed to promote the safe and healthy employment of all persons with disabilities. This code is not a legally binding instrument and is not intended to supersede or replace national legislation. It is

Preface

intended to be read in the context of national conditions and to be applied in accordance with national law and practice.

The code was finalized and unanimously adopted at the tripartite meeting of experts in Geneva, 3-12 October 2001, convened at the decision of the ILO Governing Body, taken at its 277th Session (March 2000). The experts were appointed following consultations with governments, the Employers' group and the Workers' group of the ILO Governing Body. The following experts took part in the meeting:

Experts appointed after consultations with governments

- Ms. Christine LANGSFORD, Director, Employment Outcomes Section, Disability Service Reforms Branch, Department of Family and Community Services, Canberra, Australia.
- Mr. Michael CARLETON, Appeal Commissioner, Workers' Compensation Board of British Columbia, British Columbia, Canada.
- Ms. Lucía VIVANCO, Deputy Director, National Foundation on Disability, Santiago, Chile.
- Mr. Jian Kun YIN, Deputy Director, Division of Labour Force, Department of Training and Employment, Ministry of Labour and Social Security, Beijing, China.
- Mr. Julio César MARTINEZ-LANTIGUA, Sub-Director General of Employment, State Secretariat of Labour, Santo Domingo, Dominican Republic.
- Mr. Pierre BLANC, Deputy Director General, AGEFIPH, Bagneux, France.
- Ms. Csilla SZAUER, Ministry of Family and Social Affairs, Department of Rehabilitation and Disability Affairs, Budapest, Hungary.

Managing disability in the workplace

ILO representatives

Mr. Pekka Aro, Director, ILO InFocus Programme on Skills,
Knowledge and Employability.

Ms. Barbara Murray, Coordinator, Equity Issues, IFP/Skills.

Managing disability in the workplace

Ms. Sebenzile Joy Patricia MATSEBULA, Acting Director, President's Office on the Status of Disabled Persons, Pretoria, South Africa.

Advisers

Ms. N. Popper (Hungary).

Ms. F. Lagadien (South Africa).

Ms. P. Linders (South Africa).

Experts appointed after consultation with the Employers' group

Dr. Robert KOSNIK, Director of Occupational Health Services, XEROX Canada Ltd., Ontario, Canada.

Ms. Anne-Geneviève DE SAINT GERMAIN, Chef de Service, Direction des Relations Sociales, Mouvement des Entreprises de France, Paris, France.

Mr. Reinhard EBERT, Representative of BDA German Board on the Integration of Handicapped Workers, Brühl, Germany.

Ms. Minako NISHIJIMA, Manager, AP Workforce Diversity, IBM World Trade Asia Corporation, Tokyo, Japan.

Mr. William DAMBULENI, Executive Director, The Employers' Consultative Association of Malawi, Blantyre, Malawi.

Ms. Anne KNOWLES, Executive Director, Business New Zealand, Wellington, New Zealand.

Dr. Christiaan DE BEER, General Manager, Disability Management, Coris Capital (Pty) Ltd., Pretoria, Gauteng, South Africa.

Ms. Gunilla SAHLIN, Senior Adviser, Confederation of Swedish Enterprise, Stockholm, Sweden.

Mr. James G. CASSADY, Vice-President, Human Resources and Administration, Electronic Sensors & Systems Sector, Northrop Grumman Corporation, Baltimore, Maryland, United States.

Preface

Advisers

Mr. A. J. Madott (Canada).

Mr. E. Humpal (United States).

Experts appointed after consultation with the Workers' group

Mr. Andrew KING, Department Leader, Health, Safety and Environment Department, Canadian National Office, United Steel Workers of America, Toronto, Canada.

Mr. Luis Alberto HERNANDEZ GUILLEN, Confederación de Trabajadores de Colombia, Bogota, Colombia.

Mr. John K. BRIMPONG, 1st National Vice Chairman, Trades Union Congress (TUC, Ghana), Accra, Ghana.

Mr. Shri N. SUNDARESAN, General Secretary, Hind Mazdoor Sabha Andhra Pradesh State Council, Secunderabad, India.

Mr. Ray HOWELL, Jamaica Confederation of Trade Unions, Kingston, Jamaica.

Mr. Nico WALENTINY, Confédération des Syndicats chrétiens Luxembourg, Mensdorf, Luxembourg.

Mr. Boubacar GUEYE, Secrétaire général, Syndicat des Travailleurs de la Caisse de Sécurité Sociale, Dakar, Senegal.

Ms. Carina NILSSON, Landsorganisationen, Stockholm, Sweden.

Observers

International Confederation of Free Trade Unions.

International Organisation of Employers.

Office of the High Commissioner for Human Rights.

Inclusion International.

International Council of Nurses.

International Organisation for the Provision of Work for People with Disabilities and who are Occupationally Handicapped (IPWH).

Contents

Preface	V
1. General provisions	1
1.1. Objective	1
1.2. Principles	1
1.3. Application	2
1.4. Definitions	3
2. General duties of employers and workers' representatives, and responsibilities of competent authorities	10
2.1. General duties of employers	10
2.2. Responsibilities of competent authorities	12
2.3. General duties of workers' representatives	15
3. Framework for the management of disability issues in the workplace	17
3.1. Developing a strategy on disability management in the workplace	17
3.2. Communication and awareness raising	18
3.3. Evaluating effectiveness	19
4. Recruitment	20
4.1. Preparing for recruitment	20
4.2. Interviewing and testing	21
4.3. Employee orientation to jobs	22
4.4. Work experience	24
4.5. Work trials and supported employment placements	24
4.6. Progress review	25
5. Promotion	26
5.1. Career development	26
5.2. Employer-sponsored training opportunities, manuals and courses	26

Managing disability in the workplace	
5.3. External vocational training	27
5.4. Review and appraisal	28
6. Job retention	29
6.1. Policy on acquired disabilities	29
6.2. Assessment and rehabilitation	30
7. Adjustments	33
7.1. Accessibility	33
7.2. Adaptations	34
7.3. Incentives and support services	35
8. Confidentiality of information	36
Appendices	
1. Relevant international disability initiatives	37
2. Other related ILO Conventions and Recommendations	38
3. Examples of legal and policy frameworks concerning disability adopted by some ILO member States	40

1. General provisions

1.1. Objective

The objective of this code is to provide practical guidance on the management of disability issues in the workplace with a view to:

- (a) ensuring that people with disabilities have equal opportunities in the workplace;
- (b) improving employment prospects for persons with disabilities by facilitating recruitment, return to work, job retention and opportunities for advancement;
- (c) promoting a safe, accessible and healthy workplace;
- (d) assuring that employer costs associated with disability among employees are minimized – including health care and insurance payments, in some instances;
- (e) maximizing the contribution which workers with disabilities can make to the enterprise.

1.2. Principles

1.2.1. The principles which inform the code are those underlying international labour standards, including the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and Recommendation (No. 168), 1983.

1.2.2. Effective workplace disability management practices based on evidence, good practice and experience enable workers with disabilities to contribute productively to the enterprise and to maintain valuable work expertise.

1.2.3. The code is based on the conviction that employers benefit from the employment of people with disabilities,

Managing disability in the workplace

who can make a significant contribution at their place of employment, in jobs matched to their skills and abilities, if disability-related issues are appropriately managed. It is also based on evidence that enterprises may gain from the retention of experienced workers who become disabled, and on indications that significant savings can be made in terms of health costs, insurance payments and time lost, if an effective disability management strategy is in place.

1.2.4. In accordance with ILO standards, special positive measures aimed at effective equality of opportunity for and treatment of disabled people at work are not regarded as discriminating against other workers.

1.2.5. Disability management practices are most effective when based on positive cooperation among governments, employers' organizations, workers' representatives, workers' organizations and organizations of persons with disabilities.

1.3. Application

1.3.1. The code is intended to be of benefit to:

- (i) private and public sector employers of different sizes, located in urban and rural areas of industrialized countries, developing countries and countries in transition;
- (ii) employers' organizations in their role as providers of information, advisory and other services to their members, as well as advocates of employment opportunities for disabled persons;
- (iii) workers' organizations in their role of representing the interests of workers, including those with disabilities,

General provisions

- in the workplace and in national consultation and negotiation processes;
- (iv) public sector agencies with responsibility for national policy concerning the promotion of employment opportunities for people with disabilities and for its implementation;
 - (v) persons with disabilities, regardless of the cause or nature of the disability;
 - (vi) organizations of persons with disabilities in their role in promoting employment opportunities for persons with disabilities;
 - (vii) other workers at the workplace by their recognizing that a supportive environment exists for them to maintain employment, should they become disabled, regardless of cause.

1.3.2. The provisions of the code should be considered as basic ingredients for the effective management of disability issues in the workplace. They can assist employers in maximizing the benefits to be gained through employing or retaining workers with disabilities. They can contribute to ensuring that workers with disabilities can make a valued contribution, and that they have equal opportunity and are not subject to discrimination, within the legal framework set by national legislation.

1.4. Definitions**Adjustment or accommodation**

Adaptation of the job, including adjustment and modification of machinery and equipment and/or modification

Managing disability in the workplace

of the job content, working time and work organization, and the adaptation of the work environment to provide access to the place of work, to facilitate the employment of individuals with disabilities.

Competent authority

A ministry, government department or other public authority having the power to issue regulations, orders or other instructions having the force of law.

Disability management

A process in the workplace designed to facilitate the employment of persons with a disability through a coordinated effort and taking into account individual needs, work environment, enterprise needs and legal responsibilities.

Disabled person

An individual whose prospects of securing, returning to, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical, sensory, intellectual or mental impairment.

Discrimination

Any distinction, exclusion or preference based on certain grounds which nullifies or impairs equality of opportunity or treatment in employment or occupation. General standards that establish distinctions based on prohibited grounds constitute discrimination in law. The specific attitude of a public authority or a private individual that treats unequally persons or members of a group on a prohibited ground constitutes discrimination in practice. Indirect discrimination refers to apparently neutral situations, regula-

General provisions

tions or practices which in fact result in unequal treatment of persons with certain characteristics. Distinction or preferences that may result from application of special measures of protection and assistance taken to meet the particular requirements of disabled persons are not considered discriminatory.

Employer

A person or organization employing workers under a written or verbal contract of employment which establishes the rights and duties of both parties, in accordance with national law and practice. Governments, public authorities and private companies as well as individuals may be employers.

Employee assistance programme

A programme – either jointly operated by an employer and a workers' organization, or by an employer alone, or a workers' organization alone – that offers assistance to workers and frequently also to their family members, with problems liable to cause personal distress, which affect or could eventually affect job productivity.

Employers' organization

An organization whose membership consists of individual employers, other associations of employers or both, formed primarily to protect and promote the interests of members and to provide services to its members in employment-related matters.

Equal opportunity

Equal access to and opportunities for all persons in employment, vocational training and particular occupations,

Managing disability in the workplace

without discrimination, consistent with Article 4 of Convention No. 159.

Impairment

Any loss or abnormality of a psychological, physiological or physical function.

International labour standards

Principles and norms in all labour-related matters which are adopted by the tripartite International Labour Conference (governments, employers and workers). These standards take the form of international labour Conventions and Recommendations. Through ratifications by member States, Conventions create binding obligations to implement their provisions. Recommendations are non-binding instruments which provide guidance on policy, legislation and practice.

Job adaptation

The adaptation or redesign of tools, machines, workstations and the work environment to an individual's needs. It may also include adjustments in work organization, work schedules, sequences of work and in breaking down work tasks to their basic elements.

Job analysis

Making a detailed list of the duties that a particular job involves and the skills required. This indicates what the worker has to do, how he or she has to do it, why he or she has to do it and what skill is involved in doing it. The analysis can also include facts about tools used and machines

General provisions

operated. A job analysis is usually the first step in the placement process.

Job retention

Remaining with the same employer, with the same or different duties or conditions of employment, including return after a period of paid or unpaid absence.

Mainstreaming

Including people with disabilities in employment, education, training and all sectors of society.

Occupational health services (OHS)

Health services which have essentially a preventive function and which are responsible for advising the employer, as well as the workers and their representatives, on the requirements for establishing and maintaining a safe and healthy working environment to facilitate optimal physical and mental health in relation to work. The OHS also provide advice on the adaptation of work to the capacities of workers in light of their physical and mental health.

Organizations of persons with disabilities

Organizations which represent persons with disabilities and advocate for their rights. These can be organizations of or for persons with disabilities.

Return to work

The process by which a worker is supported in resuming work after an absence due to injury or illness.

Managing disability in the workplace**Vocational rehabilitation**

A process which enables disabled persons to secure, retain and advance in suitable employment and thereby furthers their integration or reintegration into society.

Works council/workplace committee

A committee of workers within the enterprise with which the employer cooperates and which is consulted by the employer on matters of mutual concern.

Worker/employee

Any person who works for a wage or salary and performs services for an employer. Employment is governed by a written or verbal contract of service.

Workers' representatives

Persons who are recognized as such under national law or practice, in accordance with the Workers' Representatives Convention, 1971 (No. 135), whether they are: (a) trade union representatives, namely representatives designated or elected by trade unions; or (b) elected representatives, namely representatives who are freely elected by workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognized as the exclusive prerogative of trade unions in the country concerned.

Working conditions

The factors determining the circumstances in which the worker works. These include hours of work, work organiza-

General provisions

tion, job content, welfare services and the measures taken to protect the occupational safety and health of the worker.

Working environment

The facilities and circumstances in which work takes place and the environmental factors which may affect workers' health.

Workplace

All the places where people in employment need to be or to go to carry out their work and which are under the direct or indirect control of the employer. Examples include offices, factories, plantations, construction sites, ships and private residences.

Workstation

The part of the office or factory where an individual works, including desk or work surface used, chair, equipment and other items.

Work trial

Work activity to provide experience in or test suitability for a particular job.

2. General duties of employers and workers' representatives, and responsibilities of competent authorities

2.1. General duties of employers

2.1.1. To manage disability-related issues in the workplace, employers should adopt a strategy for managing disability as an integral part of their overall employment policy and specifically as part of the human resources development strategy. This disability management strategy may be linked to employee assistance programmes, where they exist.

2.1.2. The disability management strategy should include provision for:

- (a) recruiting jobseekers with disabilities, including those who have not worked before and those who wish to return to work after a period of non-employment;
- (b) equal opportunity for employees with disabilities;
- (c) job retention by employees who acquire a disability.

2.1.3. The disability management strategy should be linked to a workplace-level policy on promoting a safe and healthy workplace, including provision for occupational safety and health measures, risk analysis of any adaptation adjustment or accommodation, early intervention and referral to treatment and rehabilitation of those who acquire a disability while in employment and a mentoring system to ensure that integration of new employees is fostered.

2.1.4. The strategy should be in accordance with national policy and legislation and incorporate the principles

General duties

of equal opportunity and mainstreaming, underpinning the relevant ILO Conventions and in particular Convention No. 159.

2.1.5. The programme should be formulated in cooperation with workers' representatives, in consultation with individual disabled employees, occupational health services, where they exist, and, where possible, with organizations of persons with disabilities. In developing the programme, employers may also benefit from consultation with the competent authorities and expert agencies with specialist knowledge regarding disability-related issues.

2.1.6. The disability management strategy within the workplace should be coordinated utilizing existing representational structures or by a new structure established for the purpose. The person or persons responsible for the coordination of the programme should receive training in disability management or have access to qualified personnel.

2.1.7. Employers should seek to cooperate with the employment services in matching jobseekers with disabilities to jobs suited to their ability, work capacity and interest.

2.1.8. Employers should ensure that, in their employment, people with disabilities are treated equally with non-disabled workers in terms of benefits in kind such as transport or housing.

2.1.9. Employers' organizations should act as advocates, among their members, for the promotion of employment opportunities for disabled persons and job retention of those who acquire a disability while in employment. They may do this, for example, by providing practical information and advisory services, particularly to small

Managing disability in the workplace

companies, publicizing the advantages to business of managing disability in the workplace, promoting partnerships between employers in relation to disability management and by advocating disability management strategies in consultation processes at national and international levels.

2.1.10. To promote the introduction of disability management strategies in the workplace, employers' organizations should introduce and implement such a strategy for their own employees.

2.2. Responsibilities of competent authorities

2.2.1. The competent authorities should advocate the adoption of workplace disability management strategies by employers, as part of a national policy to promote employment opportunities for people with disabilities in the private and public sectors.

2.2.2. The competent authorities should include disability-related issues in the general framework of economic and social regulations, taking into account national conditions and practice.

2.2.3. The competent authorities should periodically review all rules and regulations governing employment, job retention and return to work in the public and private sectors, to ensure that they do not contain elements of discrimination against people with disabilities.

2.2.4. The competent authorities should undertake periodic reviews of their systems of social protection, including employee compensation, to ensure that adequate support is provided and that no undue obstacles are inadvertently placed in the way of persons with disabilities in

General duties

entering employment, retaining their job or occupation, or returning to the open labour market and paid employment.

2.2.5. The competent authorities should facilitate employers' efforts in the management of disability issues in the workplace, and in the recruitment, retention or return to work of people with disabilities, by assisting them to identify high-quality placement, technical advisory, rehabilitation and other support services, both public and private. On-site safety and health committees, employee assistance programmes, industrial relations units and equality committees may also be suggested according to national circumstances and national legislation.

2.2.6. The competent authorities should ensure that the services of the different agencies required by employers are of high quality and provided in a coordinated and timely manner.

2.2.7. The competent authorities should set out criteria determining what is reasonable for the purposes of adjustment or accommodation in accordance with national law and practice.

2.2.8. The competent authorities should make available technical supports, wage subsidies and other incentives to promote or facilitate employment opportunities and job retention for people with disabilities and inform employers of these incentives.

2.2.9. The competent authorities should seek to involve employers' organizations in providing advice to and also working with the employment service and other relevant services, to ensure that they are adequate and effective. They should also invite employers' organizations to

Managing disability in the workplace

participate in or sponsor awareness-raising campaigns on disability and employment.

2.2.10. The competent authorities should facilitate contacts between employers' organizations and workers' organizations, and with relevant professional agencies, service providers and organizations of persons with disabilities, to exchange information regarding disability management in the workplace, including:

- (a) developments in techniques and technology for the adaptation of workplaces;
- (b) systems of work placement and work experience for persons with disabilities;
- (c) adjustments in systems of advertising and interviewing for recruitment and promotion of persons with disabilities;
- (d) practice in relation to ethical issues relating to disclosure of information on workers with disabilities and awareness-raising in the field of disability.

2.2.11. The competent authorities should monitor and periodically evaluate the effectiveness of any incentives or technical advisory services on employment-related disability matters, in promoting opportunities for the employment, job retention and return to work of workers with disabilities.

2.2.12. To promote the introduction of disability management strategies in the workplace, competent authorities should introduce and implement such a strategy for their own employees, and become model employers in relation to the recruitment of people with disabilities, equal oppor-

General duties

tunity for workers with disabilities, provision for job retention and return-to-work measures.

2.2.13. The competent authorities should consider measures to promote employment, job retention and return-to-work opportunities for people with disabilities, which incorporate specific action for women with disabilities.

2.3. General duties of workers' representatives

2.3.1. In promoting policies of equal employment opportunity for workers both at the level of the individual employer and in the national consultation and negotiation processes, workers' organizations should actively advocate employment and training opportunities for persons with disabilities, including job retention and return-to-work measures.

2.3.2. Workers' organizations should actively encourage workers with disabilities to join their organizations as members and to assume leadership roles.

2.3.3. Workers' organizations should actively represent the interests of workers with disabilities to management and in any works council, safety committee or other workplace committee, and should promote positive action aiming to foster their inclusion in the workplace, including awareness-raising among managers and staff, and any required adjustments or adaptations.

2.3.4. Workers' organizations should sensitize and train their members concerning disability through awareness-raising events and union publications featuring disability equality issues.

Managing disability in the workplace

2.3.5. To promote a healthy and safe workplace, workers' organizations should:

- (a) strongly advocate adherence to existing occupational safety and health standards and the introduction of early intervention and referral procedures in accordance with this code;
- (b) cooperate with and participate in disability information and prevention programmes offered by the employer and/or organizations of persons with disabilities for the benefit of the workers.

2.3.6. To promote the introduction of disability management strategies in the workplace, workers' organizations should introduce and implement such a strategy for their own employees.

2.3.7. Workers' organizations should raise employers' awareness of specific labour laws, Conventions and technological support that will facilitate the access of disabled persons to employment.

2.3.8. Workers' organizations should encourage members to cooperate with return-to-work programmes developed by the employer, in accordance with this code, for early return to work.

3. Framework for the management of disability issues in the workplace

3.1. Developing a strategy on disability management in the workplace

3.1.1. Employers should consider the management of disability issues in the workplace a priority task which contributes to business success, and regard it as an integral part of the workplace human resources development strategy.

3.1.2. The disability management strategy should be formulated in accordance with national legislation, policy and practice, taking account of national institutions and organizations in the field.

3.1.3. In formulating a strategy for managing disability issues in the workplace, employers should collaborate with worker representatives and consult with disabled workers or their representatives.

3.1.4. The strategy at workplace level should complement the human resources development strategy in its aim to maximize the contributions and abilities of all staff, including those with disabilities and support adherence to occupational safety and health standards and related early intervention and referral procedures in accordance with the principles of this code.

3.1.5. The disability management strategy could consider provision for workers who hold family responsibility for a disabled person or persons.

3.1.6. The disability management strategy in the workplace should include provision for consultation from the

Managing disability in the workplace

employment service or other specialist agencies, where necessary, to ensure that the individual with a disability is well matched to the job in terms of ability, work capacity and interest, as is usual in recruitment procedures.

3.2. Communication and awareness raising

3.2.1. The disability management strategy in the workplace should be brought to the attention of all employees, in a language which can be easily understood, in cooperation with worker representatives.

3.2.2. General information on disability in the workplace should be provided to all employees, along with specific information about the enterprise strategy, and about any adaptations which may be needed in a working environment, workstation and work schedules to enable workers with disabilities to optimize their effectiveness. This could form part of the general induction to employment for supervisors and staff or of a disability awareness session. In conjunction, an opportunity should be given to all employees to raise any questions which they may have about the prospect of working with a disabled co-worker.

3.2.3. Inputs from specialist agencies, which may include organizations of persons with disabilities, should be sought, if necessary, in planning these information and awareness-raising sessions in the workplace.

3.2.4. Employers, including senior managers, should signal their commitment to the disability management strategy, through such measures as they consider appropriate regarding the recruitment of people with disabilities and the retention of employees who acquire a disability.

Framework for the management of disability issues

3.2.5. Employers, employers' organizations, workers' organizations, competent authorities and organizations of persons with disabilities should consider collaboratively publicizing strategies on disability issues and information on the implementation of these policies.

3.2.6. Employers should inform their suppliers and sources of procurement of their strategies on disability management, with a view to encouraging good practice.

3.2.7. In promoting strategies on managing disability in the workplace, groups of employers and employer organizations should consider arranging exchanges of information and training on the subject with relevant public sector agencies, expert bodies and other competent agencies.

3.3. Evaluating effectiveness

3.3.1. Employers should evaluate the effectiveness of their workplace strategy on the management of disability at regular intervals and make improvements where required.

3.3.2. Worker representatives at the workplace should have access to the evaluation and participate in it.

3.3.3. Competent authorities, in order to assess the effectiveness of their support, if any, to these programmes, may require information from the employer.

3.3.4. All information regarding the disability management programme should be made anonymous and confidentiality protected, before being distributed.

4. Recruitment

4.1. Preparing for recruitment

4.1.1. The principle of non-discrimination should be respected throughout the recruitment process, to ensure maximal benefit to the employer and equitable opportunities for candidates with and without disabilities. Employers could, for example, include a statement about commitment to equal opportunity in their recruitment procedures and in job advertisements, use a logo to signal that such a policy is in force within the enterprise, specifically invite applications from people with disabilities, and state that candidates will be considered solely on the basis of their abilities.

4.1.2. Employers should ensure that the recruitment process attracts applications from as many qualified people with disabilities as possible. They could do this, for example, by consulting with the employment service for disabled persons, or other special agencies by ensuring that job vacancies are publicized in a format which is accessible to people with different disabilities – in print, on radio, on the Internet – by providing job application materials in a range of formats.

4.1.3. Where employers rely on agencies for the management of recruitment, the competent authorities could collaborate with employers' organizations, relevant organizations of persons with disabilities and advertising associations to develop advertising practices which attract applications from jobseekers with disabilities.

4.1.4. Competent authorities should assist employers by facilitating the recruitment of disabled persons through

Recruitment

the use of effective job placement services. The competent authorities should also facilitate the arrangement of technical advice, wage subsidies and other incentives as appropriate.

4.1.5. Organizations of employers and workers, and competent authorities, where appropriate, could prepare guidelines to assist in the employment of people with disabilities in urban and rural areas. These guidelines should reflect national and sectoral circumstances.

4.1.6. Employers' organizations could support the recruitment of workers with disabilities by working with service agencies, employment services and organizations of persons with disabilities to ensure that the services provided effectively meet employer needs.

4.1.7. In considering a candidate with a disability for a specific job, employers should be open to making adjustments, if required, in the workplace, workstation and work conditions, to maximize the ability of this candidate to perform the job. Advice and guidance on appropriate adjustments may be obtained from employment services or specialist agencies, including organizations of or for persons with disabilities. Adjustments, where required, should be planned in consultation with disabled and non-disabled workers, and be made with the agreement of workers' representatives and the disabled worker(s) involved (see also section 7).

4.2. Interviewing and testing

4.2.1. Pre-employment tests and selection criteria should focus on the specific skills, knowledge and abilities regarded

Managing disability in the workplace

as essential to the functions of the vacant job. Care should be taken in selecting the tests to ensure that they are in a format which is accessible to disabled applicants. Similarly, selection criteria should be carefully examined to ensure that they do not inadvertently exclude persons with disabilities.

4.2.2. Members of interview panels in the private and public sectors should be provided with guidance on the interview and selection process of persons with disabilities.

4.2.3. Employers should consider ways of enabling candidates with disabilities to participate and perform at interviews on an equal basis with other candidates, for example by permitting a sign language interpreter or an advocate to be present.

4.2.4. In issuing invitations to interview, employers could encourage candidates to state in advance any specific needs or accommodations they may require in order to participate in the interview.

4.2.5. Adjustments in the recruitment process to take account of the different needs of disabled jobseekers, and the rationale for such adjustments, should be communicated to disabled candidates and to employees.

4.3. Employee orientation to jobs

4.3.1. Employers should arrange an orientation to the company or service, the work environment and the job for each newly recruited worker with a disability, in the same way as for non-disabled workers.

4.3.2. Employers should ensure that information essential to the job and workplace, such as job instructions,

Recruitment

works manuals, information on staff rules, grievance procedures and health and safety procedures are communicated to employees with disabilities in a format which assures that they are fully informed.

4.3.3. In offering a job to a disabled candidate, the employer should indicate any disability-related adjustments to the work environment, workstation, work schedules or training which are proposed and consult with the candidate further on the subject. Any special job training or personal support required should also be discussed at this time.

4.3.4. Workers' representatives and co-workers should be consulted about any substantial adjustments made or planned, to take account of specific needs of an employee with a disability.

4.3.5. Employers should cooperate with the competent authorities or other relevant agencies in facilitating courses for management, supervisors, or co-workers who wish to learn alternative communication techniques, to better communicate with colleagues who have difficulty speaking, hearing or understanding verbal language.

4.3.6. Once the recruitment of a person with a disability has taken place, follow-up services may be important in ensuring that any problems which may arise are swiftly identified and resolved. In this context, employers and the employee with a disability could benefit from continued contact with the employment services and other relevant agencies. Employers should consult these services and agencies directly, if necessary, and facilitate workers with disabilities in also maintaining contact, with a view to promoting their satisfactory integration into the workplace.

Managing disability in the workplace

4.4. Work experience

4.4.1. Where employers are not immediately in a position to employ a disabled worker, they could consider providing work experience opportunities to jobseekers with disabilities, to enable them to acquire the skills, knowledge and work attitude required for specific jobs in the workplace. Such workplace-based experience can help make the jobseeker's skills more relevant to the employer's requirements. It also provides the opportunity for an employer to gauge a disabled worker's abilities and capacity, and perhaps to consider recruitment once the training period has been completed.

4.4.2. Where work experience is provided, employers may assign a supervisor or senior worker to assist the person. Alternatively, the services of a job coach may be provided through the employment services.

4.5. Work trials and supported employment placements

4.5.1. The competent authorities should facilitate work experience, work trials and supported employment by providing employers and persons with disabilities with technical advice, as required, and by informing them of incentive schemes available to subsidize any costs involved, such as wage costs or costs of adaptations to premises, tools or equipment.

4.5.2. As an alternative to immediate recruitment or the provision of work experience opportunities, employers could consider giving a disabled person a work trial or a supported employment placement, in accordance with national law and practice. As with work experience, these will

Recruitment

provide the employer the opportunity to assess ability and capacity. In some cases, recruitment may follow. Even where this does not result, a work trial or a supported employment placement provides disabled jobseekers with valuable work experience which increases their subsequent employability.

4.5.3. In the case of supported employment, the competent authorities could facilitate the provision of job-coach services and ongoing follow-up throughout the placement, either directly through the public employment services, or through other specialist agencies.

4.5.4. On completion of work trials, the competent authorities or other specialist agencies could follow up with the employer, to review the trial's success and make other arrangements, if necessary. These could include the transfer of the work trial to a different job within the company or elsewhere, or the organization of additional training or other supports for the disabled person.

4.6. Progress review

4.6.1. Employers should keep their recruitment process under review, in order to ensure that it is accessible to people with different types of disability.

4.6.2. The competent authorities should undertake regular reviews of the effectiveness of measures to promote employment opportunities for disabled persons, and take steps to improve the effectiveness of these measures, where necessary. These reviews should be carried out in consultation with employers and worker representatives, as well as representatives of disabled persons.

5. Promotion

5.1. Career development

5.1.1. Workers with disabilities should be afforded equal opportunities with other workers at the workplace to acquire the skills and experience necessary to advance in their careers.

5.1.2. Information about career development and promotional opportunities should be made available and communicated in a range of formats accessible to workers with different disabilities in the enterprise. Particular attention should be paid to accessibility, where such information is provided electronically.

5.1.3. Workers with disabilities should be encouraged to apply for promotion, particularly where it appears that they may be reluctant to do so, because of an impairment or other obstacle arising from their disability, or perceived obstacles in their working environment.

5.1.4. In considering workers for promotion, employers should take account of their prior experience, if any, competencies, present performance and capabilities, in addition to formal qualifications suitable to the essential requirements of the job.

5.2. Employer-sponsored training opportunities, manuals and courses

5.2.1. Opportunities for workers with disabilities to avail of in-service training programmes should be developed and publicized. The use of readers, interpreters and adapted materials should be facilitated, where required, by

Promotion

the competent authorities, or by organizations of or for persons with disabilities.

5.2.2. Employers should consider adjusting time schedules, venues and programmes to facilitate and maximize the participation of persons with disabilities in measures intended for the career development of all employees.

5.2.3. In developing training opportunities, employers or groups of employers should ensure that these are accessible to disabled persons.

5.2.4. Workplace training handbooks and materials should be accessible to persons with communication impairments and intellectual disabilities, including, when the need arises, alternative formats for printed materials and use of visual illustrations, in place of text.

5.3. External vocational training

5.3.1. A policy of equal opportunity should be implemented in workplace-based enrolment for vocational training by making courses available and accessible to all employees, including those with disabilities and modifying course manuals and materials, where necessary.

5.3.2. The competent authorities should ensure that educational and training structures are accessible to persons with disabilities to enable them to have access to open employment.

5.3.3. In selecting external training services and opportunities, employers should take account of the venue accessibility for workers with disabilities.

Managing disability in the workplace

5.4. Review and appraisal

5.4.1. The performance appraisal of workers with disabilities should take place according to the same criteria applied to holders of the same or similar jobs.

6. Job retention

6.1. Policy on acquired disabilities

6.1.1. Where existing employees acquire a disability while in employment, employers can continue to benefit from their accumulated expertise and experience by taking steps to enable them to retain their employment. In developing a strategy for managing disability in the workplace, employers should include measures for job retention including:

- (a) early intervention and referral to appropriate services;
- (b) measures for a gradual resumption of work;
- (c) opportunities for workers with disabilities to test work or obtain experience in an alternative job if they are unable to resume their previous jobs;
- (d) the use of support and technical advice to identify any opportunities and any adjustments which might be required.

6.1.2. In seeking to facilitate job retention or return to work by a disabled employee, employers should be aware of the range of possible options. In some cases, the employee may be able to return to the same job as before, with no changes. In other cases, some adjustments may be required to the job itself, to the workstation or the working environment. In yet other cases, it may be necessary for the person to move to a different job in the workplace. The disability management strategy should include measures to promote job retention in each of these forms. These may include training or retraining for the person concerned, the provision of information to supervisors and co-workers,

Managing disability in the workplace

the use of devices and appliances, the right to access to other supports as appropriate, as well as modifications or alternative options in the procedures needed to perform the job so that any existing condition is not exacerbated.

6.1.3. In developing measures for the redeployment of workers with disabilities, employers should take into account the occupational preferences of those workers and consult with worker representatives, if necessary.

6.1.4. When a worker acquires a disability, the employer should ensure that accommodation measures are fully considered in order to utilize the residual potential and skills of that worker, before other steps are taken.

6.1.5. The competent authorities should provide guidance, services and incentives to employers, groups of employers and employers' organizations, in order to maximize opportunities for people with disabilities to retain their employment, and to resume work speedily following an accident, injury, disease, changed capacity or disabling condition. These could include measures which allow for individual counselling, individual rehabilitation plans or job retention programmes, aiming to promote opportunities for these workers in their current or another occupation in which they can make use of their talents and experience, as far as possible without loss of earnings. Such measures should be developed in consultation with employers' organizations and workers' organizations, relevant professionals and organizations of persons with disabilities.

6.2. Assessment and rehabilitation

6.2.1. The competent authorities, upon request of the employer, should facilitate employers to assess the abilities

Job retention

and work experience of workers who have acquired a disability or reduced capacity for their job, with a view to their continuing in the same job, if necessary with some modification of their job tasks, the working environment or work schedule, or through retraining.

6.2.2. The competent authorities should promote the availability of opportunities for workers who become disabled, experience work-related injuries, or develop occupational diseases in the course of their working life to remain economically active through:

- (a) vocational retraining opportunities including those suited to a variety of sectors on the open labour market;
- (b) the promotion and support of information and advisory services relating to job retention and return to work;
- (c) the development of materials, if possible in the form of an electronic database, illustrating examples of successful job-retention practices and experiences suited to women and to men, to older and younger workers and to urban and rural areas, and appropriate to national conditions;
- (d) active programmes to facilitate the integration or re-integration of persons with disabilities into the labour market;
- (e) monitoring the compatibility of social security systems supporting workers with disabilities with the goals of job retention and return to work.

6.2.3. The competent authorities should ensure that the appropriate services required by people who acquire a disability while in employment are available promptly, are of high quality and are well coordinated.

Managing disability in the workplace

6.2.4. The competent authorities could bring to the attention of all employees the range and scope of provisions, both in cash and in kind, within their social security schemes which are intended to have a preventative, compensatory or rehabilitative function in relation to disability.

6.2.5. The competent authorities should establish model practices and procedures for job retention in the public sector.

6.2.6. Workers' representatives should establish policies for job retention by persons with disabilities in their own organizations and in their proposals for collective bargaining.

7. Adjustments

In recruiting or retaining workers with disabilities, employers may need to make an adjustment or adjustments in some cases to enable the individual to perform the job effectively. For the sake of convenience, provisions regarding the different types of possible adjustments are grouped together in this section. It is emphasized, however, that in many cases, such adjustments are not required.

7.1. Accessibility

7.1.1. To facilitate the recruitment of persons with disabilities and job retention by workers who acquire a disability, employers should take steps to improve the accessibility of the work premises to people with different types of disability. This should include consideration of entrance to and movement around the premises and of toilet and wash-room facilities.

7.1.2. Accessibility should also be understood to include signage in use, manuals, workplace instructions and electronic information. These should be reviewed, where necessary, for accessibility to people with visual impairment and for people with intellectual disability in particular.

7.1.3. Accessibility for people with hearing impairment includes access to information frequently conveyed by sound – such as the ringing of a bell, a fire alarm, whistle or siren. Such facilities should be reviewed and complemented, where necessary, with alternative devices such as flashing lights.

Managing disability in the workplace

7.1.4. In planning to improve accessibility, employers should consult with the disabled worker and with specialist technical advisory services, which might include organizations of persons with disabilities, and refer to any criteria established by the competent authorities.

7.1.5. Emergency planning should ensure that persons with disabilities are able to safely and effectively evacuate the workplace to an area of safety.

7.2. Adaptations

7.2.1. Adaptations may be required to the workstation to enable the worker with a disability to perform the job effectively. In planning adaptations, employers should consult with the disabled worker involved and with worker representatives.

7.2.2. Similarly, adaptations may be required to tools and equipment to facilitate optimal job performance. These, too, should be planned in consultation with the disabled worker, and worker representatives.

7.2.3. For some workers with disabilities, it may be necessary to review the job description and make changes – for example by deleting a part of the job which the person is unable to perform and replacing this with another task or tasks.

7.2.4. Flexibility of work schedules can be a significant factor in enabling some individuals with disabilities to perform a job satisfactorily. This too should be considered, in consultation with the workers concerned and their representatives.

Adjustments

7.2.5. Performance requirements may need to be reviewed, in consultation with the disabled workers and their representatives, particularly at an early stage after recruitment, or after an existing employee has acquired a disability.

7.3. Incentives and support services

7.3.1. The competent authorities should make available to employers incentives for workplace adjustments, as well as a technical advisory service which provides up-to-date advice and information on adjustments to the workplace or to the organization of job tasks, as required.

8. Confidentiality of information

8.1. With the consent of the person concerned, any relevant information relating to a disabled worker's reduced function or impaired health status should be assembled and kept by the employer, in a manner that maintains confidentiality.

Appendix 1

Relevant international disability initiatives

Relevant international disability initiatives include:

- The World Programme of Action Concerning Disabled Persons, adopted by the United Nations in 1982 (<http://www.un.org/esa/socdev/enable/diswpa00.htm>).
- The United Nations Decade of Disabled Persons, 1983-92 (<http://www.un.org/esa/socdev/enable/dis50y60.htm>).
- The United Nations Standard Rules on the Equalization of Opportunities for People with Disabilities, adopted in 1993 (<http://www.un.org/esa/socdev/enable/dissre00.htm>).
- International Labour Organization Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), its accompanying Recommendation (No. 168), 1983, and Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99) (<http://www.ilo.org/public/english/standards/relm/ilc/ilc86/r-iii1ba.htm>).
- The Asian and Pacific Decade of Disabled Persons, 1993-2002) (<http://www.unescap.org/decade/index.htm>).
- The Copenhagen Declaration on Social Development, 1995 (<http://www.earthsummit2002.org/wssd/wssd/wssdr1.htm>).
- The African Decade of Disabled Persons, 2000-09 (<http://www.un.org/esa/socdev/enable/disecn017e2.htm>).

These initiatives aim to promote the full participation of disabled persons in all aspects and sectors of society. The 1995 Copenhagen Declaration views disability as a form of social diversity and points to the need for an inclusive response which strives to build a “society for all”.

Appendix 2

Other related ILO Conventions and Recommendations

Basic human rights

Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111).

Employment

Employment policy

Employment Policy Convention, 1964 (No. 122), and Recommendation, 1964 (No. 122);

Termination of Employment Convention, 1982 (No. 158);

Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169);

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168).

Employment services

Employment Service Convention, 1948 (No. 88), and Recommendation, 1948 (No. 83).

Vocational guidance and training

Human Resources Development Convention, 1975 (No. 142), and Recommendation, 1975 (No. 150).

Employment of specific categories of persons

Medical Examination of Young Persons (Industry) Convention, 1944 (No. 77);

Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78);

Medical Examination of Young Persons Recommendation, 1946 (No. 79);

Older Workers Recommendation, 1980 (No. 162).

Appendix 2

Labour relations

Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94).

Conditions of work**Occupational safety and health**

Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148);

Occupational Safety and Health Convention, 1985 (No. 155), and Recommendation, 1985 (No. 164);

Occupational Health Services Convention, 1985 (No. 161), and Recommendation, 1985 (No. 171);

Chemicals Convention, 1990 (No. 170).

Wages

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99);

Equal Remuneration Convention, 1951 (No. 100).

Social security

Income Security Recommendation, 1944 (No. 67);

Social Security (Minimum Standards) Convention, 1952 (No. 102);

Employment Injury Benefits Convention, 1964 (No. 121), and Recommendation, 1964 (No. 121);

Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), and Recommendation, 1967 (No. 131).

These Conventions and Recommendations are available on the ILO web site (<http://www.ilo.org>).

Appendix 3

Examples of legal and policy frameworks concerning disability adopted by some ILO member States

The last decades of the twentieth century witnessed significant changes in the legal and policy frameworks concerning disability in countries around the world. Many governments have adopted policies which aim to promote the rights of people with disabilities to participate as fully as possible in society. These include policies to improve employment opportunities for people with disabilities which are frequently backed by legislation.

In some countries, this comprises legislation or regulations which require employers to reserve a certain proportion of jobs for people with recognized disabilities – generally referred to as quota legislation. If employers do not fulfil this obligation, many countries require them to pay a contribution into a central fund to be used to promote the accessibility of workplaces or for vocational rehabilitation purposes. Countries with this type of legislation include many European countries, such as France, Germany and Italy, and several Asian countries, such as China, Japan and Thailand.

Other countries have introduced anti-discrimination or employment equity laws which make it unlawful for employers to discriminate on the basis of disability in recruitment, promotion, dismissal and other aspects of employment. Countries with this type of legislation include Australia, Canada, New Zealand, the Scandinavian countries, South Africa, the United Kingdom and the United States.

Many governments have introduced a range of measures to support the implementation of these policies and laws. These include financial supports to employers, to serve as an incentive or to ensure that the employment of the person does not cause any additional cost or other problems to the employer, and support

Appendix 3

services to ensure that the relevant technical advice is provided and any problems are quickly resolved.

Against the background of these changes in policy and laws, employment opportunities for people with disabilities have evolved dramatically over the past ten to 20 years. Far more emphasis is now placed on integrating jobseekers with disabilities into competitive employment, rather than providing them with work in special centres. Some employers have recruited candidates with disabilities directly, while others have been more cautious in their approach, preferring to offer a work trial or a period of work experience before committing themselves to recruitment. And many employers now retain employees and workers who acquire a disability while in their employment, sometimes because they are required by law to do so, as well as facilitating the return to work of those who have dropped out of employment due to their disability. Valuable lessons have been learned about the abilities of people with disabilities, which should be borne in mind by employers and others providing employment-related supports to ensure that they can perform their jobs effectively.