

Disability in the workplace: Employers' and service providers' responses to the Disability Discrimination Act in 2003 and preparation for 2004 changes

By Simon Roberts, Claire Heaver, Katherine Hill, Joanne Rennison, Bruce Stafford, Nicholas Howat, Graham Kelly, Shuba Krishnan, Penelope Tapp and Andrew Thomas

This research explores how employers and service providers are responding to both previous and forthcoming provisions of the Disability Discrimination Act 1995 (DDA). The report presents findings based on around 2000 telephone interviews and case studies of 38 employers and service providers.

Key findings

- Employers (particularly small employers and/or those who have not employed a disabled person) are lacking in knowledge of disability and do not have as broad a perception of disability as the DDA. Disability still carries connotations of physical and visible impairments and there are misunderstandings and prejudices around mental illness.
- Knowledge of the employment provisions (Part II) of the DDA was higher among larger organisations, and in public and voluntary sector organisations, as well as among employers at workplaces where there had been disabled employees. Smaller employers in particular (those with fewer than 15 employees) were unsure of the implications of the Act for their organisation.
- Knowledge of the forthcoming changes concerning the provision of services (Part III) was usually higher in organisations within the public and voluntary sector.
- Nearly all employers (94 per cent) stated that their workplace always sought to recruit the best person for the job, regardless of any disability. Yet many (33 per cent) felt that taking on a disabled person is a major risk for an employer, and/or that their workplace would find it difficult to retain an employee who became disabled (47 per cent). Workplaces which had had disabled employees were likely to report that it is easy to employ a disabled person.
- Over four-fifths of employers that have had disabled employees (83 per cent) and nearly three quarters of service providers said that adjustments to assist disabled people had been made or were planned. However, adjustments made by service providers tended to be for customers with physical impairments.
- The cost of making adjustments was of concern to some employers, especially small ones, in the case studies. However, 72 per cent of employers in the survey who had made changes said that it had been easy to make the adjustments while only 14 per cent said it had been difficult.
- The case studies indicated that the DDA had acted both as a driver and a 'road map' for those organisations where a commitment to disabled people was already a core value.

Summary of research

The Disability Discrimination Act

Under Part II of the Disability Discrimination Act, which came into force on the 2nd December 1996, it is unlawful for employers covered by the Act to discriminate against employees or job applicants on the grounds of disability. As part of the protection offered by the Act employers may have to make 'reasonable adjustments' to their recruitment arrangement and/or premises so that disabled people are not at a substantial disadvantage compared to other people. At that time the Act applied to employers with 20 or more employees. On the 1st December 1998 the exemption threshold was reduced to 15. The Government intends to remove it in October 2004 and cover most currently excluded occupations.

Part III of the Act places specific requirements on the way goods, facilities or services are offered to disabled people. It is unlawful to treat disabled people less favourably than other people for a reason related to their disability or impairment and reasonable adjustments must be made. This includes the provision of auxiliary aids or services by alternative methods, as well as overcoming physical barriers by providing the service using a reasonable alternative method.

On 1st October 2004 the final stages of the access duties in Part III of the DDA will come into force. Part III will then require service providers to remove, alter or avoid physical barriers or provide alternative means of using the service, where physical features of their services make access for disabled people unreasonably difficult or impossible.

Knowledge of the employment and service provision elements of the DDA

Overall, three fifths of employers (62 per cent) were aware of Part II of the DDA either spontaneously or when prompted. Knowledge of the employment provisions of the DDA was higher among larger organisations, and in public

and voluntary sector organisations, as well as among employers at workplaces where there had been disabled employees. Smaller employers in particular (those with fewer than 15 employees) were unsure of the implications of the Act for their organisation. Knowledge of the forthcoming changes concerning the provision of services was usually higher in organisations within the public and voluntary sector. Nearly one-third of organisations that provide services were unaware of both the employment and the customer provisions of the DDA. The concept of 'reasonable adjustment' was poorly understood.

The case studies showed that there was also greater awareness at Head Office rather than the local office level, although respondents' knowledge of the Act also depended on their role.

Policies for disabled employees and customers

Few organisations had a separate disability policy for employees or customers. Larger organisations tended to have some form of written policy at Head Office for employees, most commonly an all-embracing Equal Opportunities policy, but even in these organisations, the case studies suggested that staff at the local workplace often had limited knowledge about its' content.

Recruiting and employing disabled people

Nearly two-fifths of employers (37 per cent) said that their workplace had employed disabled people and one-quarter of employers (24 per cent) said that their workplace currently had at least one disabled employee. The voluntary and public sectors were more likely to have disabled staff than the private sector. Employment of disabled people was more common among larger workplaces, and among those who knew about the Act's employment provisions and/or had an employment policy.

Nearly all employers (94 per cent) agreed that their workplace always sought to recruit the best person for the job, regardless of any disability. However, smaller employers and employers at workplaces that had never had disabled employees were less likely to agree that they always employ the best person for the job.

Moreover, many employers (particularly those with fewer than 100 staff) felt that it was difficult to employ somebody with a disability. Nearly one-half of all employers said that their workplace would find it difficult to keep on an employee who became disabled. Workplaces which had employed disabled people were more likely to report that it is easy to employ a disabled person.

One-third of employers (33 per cent) stated that taking on disabled employees was a major risk for the employer. Encouragingly Larger workplaces were significantly less likely to state that employing a disabled person would be a major risk; Workplaces where there had been disabled employees were also less likely to see employing disabled people as a risk.

Adjustments that have been made to employment and service provision by organisations

Nearly one in five employers at workplaces who have had disabled employees (17 per cent) said that they did not have any adjustments in place specifically to help disabled employees. Those without adjustments tended to be smaller workplaces. However, 72 per cent of employers who had made adjustments said they had been easy to make while only 14 per cent said that it had been difficult.

The cost of making adjustments was of concern to some employers in the case studies, especially small ones. It was felt that certain adjustments could be expensive. Even large companies considered themselves to have financial constraints.

Seven in ten service providers reported having adjustments in place or planned at their workplace to assist disabled customers. However, these adjustments tended to be for people with physical

impairments. Workplaces with disabled employees and larger workplaces were more likely to have made adjustments for disabled customers.

Factors motivating the making of adjustments

Just over one-third (35 per cent) of employers who had made changes to their workplace for disabled employees said they did so partly as a result of legislation. The case studies indicated that the DDA had acted both as a driver and a 'road map' for those organisations where a commitment to providing services for disabled people was already a core value. The most common reasons cited for making changes were that it was the right thing to do for the disabled employee (98 per cent) and that they anticipated that the benefits would outweigh the costs (78 per cent). Business incentives, positive public relations and the need to be inclusive were often viewed as key factors for changes in customer provision.

Sources of information and advice

There was a degree of uncertainty as to what constitutes 'best practice' in making adjustments and respondents reported that practical examples would be welcome.

Conclusions

Many employers, especially small employers and those who have never employed a disabled person, lack knowledge about disability, and about the DDA. There is a narrow interpretation of what is meant by 'disability', with a focus on physical and visual impairments. This points to the need for government to counter the myths and misconceptions about disability and the requirements of the Act, and the potential for a more general education and awareness campaign about the breadth of disability.

There was generally greater awareness of the DDA in organisations with a policy for disabled people. These organisations were also more likely to have made adjustments. This suggests that one way of concentrating minds would be to encourage organisations to set up policies for disabled people.

The full report of these research findings is published for the Department for Work and Pensions by Corporate Document Services (ISBN 1 84123 642 X. Price £48.00. Research Report 202. January 2004).

It is available from Corporate Document Services, 7 Eastgate, Leeds LS2 7LY.
Tel: 0113 399 4040. Fax: 0113 399 4205.
E-mail: cds@corpdocs.co.uk

You can also download this report free from:
www.dwp.gov.uk/asd/

Other report summaries in the research series are also available from the website above and from:

Paul Noakes, Social Research Division, 4th Floor, The Adelphi, 1-11 John Adam Street, London WC2N 6HT.
E-mail: Paul.Noakes@dwp.gsi.gov.uk