
Managing Equality and Diversity: Disability Discrimination in the Workplace

This paper aims to critically evaluate the issue of disability discrimination within the workplace and the impact disability discrimination has on it, a discussion and explanation of the legal requirements an employer has to abide by in order to not discriminate against anyone in relation to disability and also outline some policies in which organisations have to ensure that they do not discriminate against anyone in relation to disability. To conclude this paper the writer will provide their own recommendations on how the issue of disability discrimination could be better addressed in the future.

Discrimination as a whole is a process of judging people (Noon, 2004), and how disabled people are judged within the workplace is linked to how disability is conceptualised (Gill, 2001). It is well known that disabled people often find that non-disabled people more often than not prefer to treat them as stereotypes rather than accept and see the disabled person as an individual (Gill, 2001). From this, there has been a growth within the disability movement in recent decades that have demanded rights for disabled people, especially within this topic of employment and the workplace. Linking with this, there have been many legal aspects to the discrimination of disability which will be talked about later in this paper, however the discrimination lies with the employers as to who they employ and who is best suited for the role and the organisation (Boddy, 2011) and (Marchington and Wilkinson, 2008), meaning a disabled person may be better suited for a role to that of a non-disabled person, however the disabled candidate may need to have accommodations made for him/her to be able to fulfil the role (Pinder, 1995), however the bias from the hiring manager may see this as an inconvenience and offer the role to the non-disabled candidate, which if true would be in direct violation of the Equality and Diversity Act 2010, where disability falls under one of the 9 protected characteristics (Acas.org.uk, 2019). In recent years there is still a substantial gap between the number of disabled people and non-disabled people being employed as of 2012 46.3% of disabled people were in work, whereas the figure stands at 76.2% of non-disabled people were in work (Office for Disability Issues, 2013), while this is an improvement to previous years, there is still a long way to come and personal recommendations will be given late in this paper to address this issue.

The Department of Work and Pensions, 2013 state disability within the workplace is an issue that needs to be focused on. As we know working enabled us to have access to major benefits, such as; financial, material, the well-being of our lives and also good mental health (Beyer, 1999) and (Kirsh, 2000). These benefits of working should be able to be claimed by any working-age person no matter a disability or not, however as discussed disabled people are less likely to obtain roles that offer higher paid salaries within the workplace; even though disabled to non-disabled people show no significant difference in their need to work (Ali et al, 2011). We cannot say that all disabled people will not need extra assistance when performing their role, however employers should make accommodations for this by providing any tools or extra assistance if needed without any view of discrimination to that employee, however this is not always the case and there is still a phenomenon of discrimination against disabled employees/candidates when a manager is selecting the ideal candidate for the role (Harris et al, 2012)

Within the field of disability and which can be linked to the workplace, there are two prominent models, the medical model and the social model; which will now be discussed. Firstly, the medical model tells us that disability is normally viewed as an impairment of a person's physical or mental needs (French and Swain, 2012). Meaning that it is the person themselves that they are unable to take care of themselves (Goss et al, 2000), or that the person is a victim of tragedy (Fougerollas and Beaureyard, 2001) and that the person is in need of support. Commonly disabled people often attempt to diminish their disability and attempt to live a normal life (French and Swain, 2008), however this is not always possible within the workplace; an example of this could be if an individual was involved in an accident and lost an arm due to this, they would be classed as disabled. Meaning the person would be unable to perform as well as an able-bodied person and therefore would need accommodations to be made for them in the workplace, but commonly this is seen as an inconvenience to managers and the disabled person would not be offered the role, when in fact with the right accommodations to their working conditions they would be able to person as well as a non-disabled person. Under this medical model of disability as analysed, which separated disabled people from non-disabled (Barnes, 2010) the view of a disabled person is that they are inferior to their non-disabled counterparts within the workplace (Topliss, 1982).

Moving onto the social model of disability, this model challenged the medical model (Barnes et al, 1999) and attempts to prove that disability as being rooted in such a manner society is constructed rather than the disability of the individual. The social model of disability attempts to argue that disabled individuals are suppressed and not involved in society (Hayes and Hannold, 2007; Barnes and Mercer, 2003; Barton, 1996), the root of which is traced back to the industrialisation of society (Priestley, 2003) and that before this time there was not a single person that was viewed as unproductive (Barnes and Mercer, 2003). It was required that able and standard bodies were able to keep up and adhere to the needs of the organisation e.g. the timescales and turnaround times (Oliver, 1990) in order to ensure that productivity and efficiency were at their highest (Borsay, 2005). Meaning that individuals who identified as disables and were not of abled bodies were seen as inferior due to the ever-changing surrounding of society e.g. not being able to operate machinery in the same manner to that of an able-bodied individual. Industrialisation did not necessarily single out disabled individuals, but swept away what was there before (Abberley, 1999), but also made an need to only employ the cheapest and fastest labour (Grover and Piggott, 2005), which is still a prominent phenomenon today and thus meaning disabled individuals are/were not hired for the role due to their social disability (Oliver, 1999).

Below is a table that outlines the basics of both models:

Moving onto the legal responsibilities which employers must abide by in relation to discrimination and disability within the workplace. Currently, the law imposes a duty to ensure that reasonable adjustments will be made for a disabled individual. A breakdown and outline can be found in Section 20 of the Equality and Diversity Act 2010, which is made up of three legal requirements on the employer at section 20.3, 4 and 5. To begin with where an employer's "provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled," (Equality and Diversity Act, 2010) then a duty on the employer is present, another duty then arises if a disabled individual has a physical disability feature which will put the disabled employee as a disadvantage to their non-disabled counterpart and thirdly if the disabled employee has no aid, then the disabled employee would suffer a disadvantage within the

workplace to their non-disabled counterpart. Thus meaning the employer has a legal requirement to provide means to overcome the disability barrier (Equality and Diversity Act, 2010). Legally this extends to more than just full-time permanent staff and that it also extends to contract workers and any other type of temporary staff members at any level.

Also under the Equality and Diversity Act, 2010 section 20.7 tells us that employers must not charge their disabled employees fees or the costs in which they incur when making any reasonable adjustments e.g. the cost of fitting a ramp to their building to accommodate a wheelchair user employee. Without this type of protection under the Act, it would leave disabled individuals open to direct discrimination and any financial burden to help them perform during their role, thus meaning this is a positive step to ensure that discrimination against disabled individuals is eliminated.

Furthermore, the most common aspect of the legal requirement of an employer when relating to discrimination is that an employer must not discriminate someone who falls under any of the 9 protected characteristics, which are, (Equalityhumanrights.com, 2019):

1. age
2. disability
3. gender reassignment
4. marriage and civil partnership
5. pregnancy and maternity
6. race
7. religion or belief
8. sex
9. sexual orientation

If any of these are violated then it could open up the organisation to legal action in the form of employment tribunals, criminal/civil proceedings and fines. Therefore it is vital and legal that these are not violated.

There are also legal aspects of the recruitment field too. This includes ensuring that the job advert and the description of the role are properly detailed and that there are no discriminatory comments made in this process. Also, the application should be made readily available in different forms to accommodate candidates with a disability e.g. larger text or in braille. On the recruitment board there should be an equality and diversity officer overseeing the process in HR to ensure that there is no discrimination during the process and that all reasonable adjustments are made for interviews e.g. a wheelchair user may need to interview on the ground floor and that is the successful candidate does need adjustments made these are done before they commence work. (Equality and Diversity Act, 2010)

Many organisations have policies in place to ensure that they meet the legal requirement when it comes to equality and diversity, namely disability discrimination for the purposes of this paper. For example, the University of Hull publishes their 'Diversity and Inclusion Policy' which outlines what they do to abide by the law under each protected characteristic. Under disability, the University of Hull state "committed to disability legislation compliance and offers full support to staff, students and visitors with disabilities. The University's work on disability equality is overseen by the Disabilities Working Group, which provides advice and support to student and staff disability needs on campus" (Diversity and Inclusion Policy 2016/17, 2016). This goes to

show that organisations include disability within their policies. The University, as of 2016 had 5.7% of their staff having a disclosed disability; which is 1.1% higher than the previous year and is higher than the national average of 4.5% (the University of Hull Equality and Diversity Annual Report 2017, 2017). Showing that including disability within the policies of an organisation helps the organisation to see past bias and discrimination in recruitment.

Taking a look at the BBC's Recruitment Policy, it is clear to see that the BBC have a policy in place to ensure that the recruitment of candidates who meet the BBC's specifications of the role are recruited in a way that is fair and reflects their commitment to equality and diversity (BBC, 2018) as the BBC's equality and diversity policy forms a part of their Corporate Social Responsibility it is vital that the BBC must ensure that when recruiting they ensure that they follow every aspect of the Equality and Diversity Act 2010, to ensure no applicant is discriminated against any of the nine protected characteristics (Acas, 2018). For this reason, enthuses under the BBC's recruitment policy is to ensure that their recruitment reflects their CSR's commitment to equality and diversity (BBC, 2018).

Moving on, recommendations that could be taken into account in the future on the aspect of disability discrimination taking into account the medical and social models. We must understand that the world we live in is changing every day and that we must ensure as organisations we change with it for the people we employ and we have a duty to do so. For example a growing business may operate from a single story office building where there are no stairs or the need for a lift, but due to their growth they must move into a larger building across a number of floors, therefore they now have an obligation to their disabled employees who may not be able to climb stairs and may be wheelchair bound. Thus meaning to abide by the Equality and Diversity act, 2010 they must make reasonable adjustments in order to accommodate for their current and future disabled employees by fitting ramps, having access to lifts and ensuring they are financially prepared for the cost of this as the organisation will be the ones liable not the employee. Therefore having policies and procedures in place ready for change will ensure that the organisation is ready for the change and will ensure that they are not surprised by their obligations.

Also when recruiting members of staff and an applicant is disabled, the organisation must ensure that their hiring manager is trained to understand disabilities to ensure that they do not discriminate against the disabled candidate or asking any discriminatory questions e.g. about their health. Training should also include to abolish any bias hiring managers have and to view each applicant as equal and not favour a non-disabled person over a disabled person if they could do the job just as well and to ensure they have the knowledge to make reasonable adjustments to the recruitment process and to the role is the disabled candidate it successful in obtaining the role, which falls under the Equality and Diversity Act, 2010.

It is also very common that employees with disabilities do not disclose their disability and sometimes go on in work without the proper equipment or support that they need. Therefore a recommendation could be to survey employees once a year, as sometimes people circumstances change, to see if any employee who falls under the disability act does require any extra assistance and ensure that they understand it will not affect their job to ask for help and disclose their disability, this will also help companies audit better and have a better understanding of their employees.

To conclude, disability discrimination is still very much a thing and need to be fought head-on if

we are to abolish disability discrimination. There are over 11 million people with a disability in the UK, which accounts for 45% of the UK and 16% of the working-age population (GOV.UK, 2019). Therefore organisations need to be more accommodating for such a large number of the population. Research shown earlier in the paper shows a shift to a more accepting climate, however, there is still a long way to go; but from looking into organisations such as the University of Hull and the BBC, big organisations are doing their part.

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