

Summary

This research explores how employers and service providers are responding to both previous and forthcoming provisions of the Disability Discrimination Act (DDA) 1995. This report presents findings based on around 2000 telephone interviews and case studies of 38 employers and service providers. Both the telephone survey and the case studies focused on the workplace rather than the overall organisation, although managers at Head Office were also interviewed for the case studies. By focusing on the local workplace rather than the overall organisation it was possible to talk to line managers rather than HR specialists at Head Office and get at actual practice rather than policy. The research was carried out by the Centre for Research in Social Policy (CRSP) at Loughborough University, with the British Market Research Bureau (BMRB).

Key findings

- Overall, three-fifths of employers (62 per cent) were aware of Part II of the Disability Discrimination Act 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 case studies showed that the concept of 'reasonable adjustment' was poorly understood and there was concern that the concept was too vague and therefore unhelpful in making decisions about tackling discrimination.
- After being prompted with the range of conditions that are covered under the DDA, nearly two-fifths of employers (37 per cent) said that their workplace had employed disabled people. Nearly one-quarter of employers (24 per cent) said that their workplace currently had at least one disabled employee.

- 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 felt that taking on a disabled person is a major risk for the employer (33 per cent), and that their workplace would find it difficult to retain an employee who became disabled (47 per cent).
- Generally, most organisations had given little consideration to the potential adjustments that could be made to assist disabled people through the application and interview process.
- Over four-fifths of employers that have had disabled employees (83 per cent) said that there were adjustments at the workplace or to working practices specifically to help disabled employees. Workplaces which had sought information about employing a disabled person were more likely to have adjustments in place or planned for disabled employees.
- Overall, nearly three-quarters of service providers said that they had adjustments in place, or planned, to assist disabled customers. Service providers who were aware of Parts II and III of the DDA and those with a policy for disabled customers were more likely to have made, or planned to make, changes to accommodate disabled customers than those who were unaware of the legislation.
- Changes and adjustments which have been made or planned by service providers for their customers tended to be for those with physical impairments. Changes or adjustments which would be required for less observable types of impairment were less frequently reported as being in place or planned for the future.
- Typically, the DDA was not a key motivating factor in making adjustments; although it was more influential in changes made for customers than employees. Just over one-third of employers who had made changes to their workplace for disabled employees (35 per cent) said they did so partly as a result of legislation. 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, an awareness of positive public relations and the need to be seen to be embracing the needs of disabled people were often viewed as key factors for changes in customer provision. 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 cost of making adjustments for disabled employees was of concern to employers, especially small ones. There was a degree of uncertainty as to what constitutes 'best practice' among employers in the case studies. Impartial and authoritative guidance, including practical examples, would be welcome.

Summary

The Disability Discrimination Act

Under Part II of the Disability Discrimination Act, which came into force on 2 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 arrangements 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 1 December 1998 the exemption threshold of 20 was reduced to 15, and 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 for disabled people (since October 1999). 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 1 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

Awareness of the employment provisions of the DDA was usually higher in larger organisations, and in public and voluntary sector organisations as opposed to private sector organisations. Awareness of the legislation was also higher among employers at workplaces where there have been disabled employees.

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. Human Resources specialists and policy advisers made most frequent spontaneous reference to the Act and could often state its content, including the requirement for reasonable adjustments and the 2004 changes. Local staff, particularly those in small single-site organisations, showed less knowledge of the Act.

Not all small organisations in the case studies (totalling under 15 employees) were aware of Part II of the DDA and questioned its implications for them. There was some concern amongst this group about having to comply with the Act by October 2004.

Only 30 per cent of service providers were spontaneously aware of laws giving rights to disabled customers or clients and only five per cent could name the Disability Discrimination Act. Just under one-half of service providers aware of legislation (46 per cent) knew of the forthcoming changes to Part III of the DDA.

Nearly one-third of service providers were unaware of both the employment (Part II) and the customer provisions (Part III) of the DDA, though awareness of Part II was slightly greater than of Part III.

The concept of 'reasonable adjustment' was poorly understood in the case studies, and some respondents were unaware of the term. Others considered the term subjective and difficult to interpret, although some speculated that relevant considerations must include ease of implementation, cost-effectiveness, feasibility, sustainability, and common sense.

Policies for disabled employees and customers

There were few examples of organisations with a separate disability policy for employees. Larger organisations tended to have some form of written policy at Head Office, most commonly an all-embracing Equal Opportunities policy in which there was a general anti-discrimination clause referencing disability, usually alongside gender, race and sometimes age. Even where written policies were in place at Head Office level, the case studies suggested that staff at the local workplace had limited knowledge about their content. Small, single-site organisations relied more heavily on verbal communication than any formal written policy.

The case studies indicated that very few service providers had a formal policy in place specifically for disabled people, although some respondents said that non-discrimination is a core value of the organisation expressed through customer care policies, plans and statements. Service providers were more likely to have policies in place specifically covering employees/applicants with disabilities, than for disabled customers.

In some cases, policies had been drawn up in response to the DDA, although in other cases it was reported that it would be difficult to draw up customer service policies on the basis of the DDA because the Act was perceived as vague (particularly the concept of 'reasonable adjustment').

Recruiting and employing disabled people

Two-fifths of employers (37 per cent) said that their workplace had employed disabled people and nearly one-quarter of employers (24 per cent) said that their workplace currently had at least one disabled employee. Voluntary and public sector workplaces were more likely to have employed disabled staff than private sector organisations. There was also a higher likelihood of employing disabled staff at workplaces where overall awareness of Part II of the DDA was reported, as well as at workplaces with an employment policy. There was a significant association between workplace size and likelihood of employing disabled staff, with larger workplaces more likely to have employed a disabled person than smaller workplaces.

Nearly all employers (94 per cent) agreed that their workplace always sought to recruit the best person for the job, regardless of any disability, with four-fifths (81 per cent) saying that they agreed strongly. There was, however, variation between sub-groups, with smaller employers slightly less likely to agree, and employers at workplaces that had never had disabled employees less likely to agree that they always employ the best person for the job.

However, many employers felt that it was difficult to employ somebody with a disability. With the exception of severe facial scarring, a significant proportion responded that it would be difficult or impossible to employ someone with any of the conditions listed in the questionnaire. Employers with fewer than 100 staff were more likely to report this than larger employers, possibly because the latter group may have a broader range of jobs to accommodate a wider variety of people. 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 person with a disability.

There were misconceptions and myths around mental illness. For example, someone with schizophrenia was considered by the majority of employers to be difficult or impossible to employ. This finding suggests that little is understood by employers about the condition, given that someone with schizophrenia can control the condition with medication and would not require any physical adaptations to their work environment. Case study respondents expressed personal concerns about employing someone with schizophrenia because they had heard stories in the media of people with schizophrenia becoming violent. This suggests that schizophrenia sometimes carries a stigma and this may impact on an employer's willingness to accommodate someone who has openly disclosed the condition. Similar misunderstandings were expressed concerning people with clinical depression.

One-third of employers (33 per cent) agreed with the statement that taking on disabled employees was a major risk for the employer. Encouragingly, employers at workplaces where there had been disabled employees were significantly less likely to agree with this statement than those where there had not (25 per cent compared to 39 per cent). Six per cent of employers at workplaces with over 100 employees agreed that it was major risk to take on a disabled employee compared to nearly two-fifths (38 per cent) of those with fewer than 15.

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

The case studies indicated that companies appeared to have given little consideration to the potential adjustments that could be made to assist disabled people through the application and interview process. However, the survey showed that employers would not necessarily find it difficult to make special provisions for disabled people in the application process. For example, three-quarters of employers (76 per cent) said that it would be easy to guarantee disabled applicants an interview.

Nearly one in five employers at workplaces who have ever had disabled employees (17 per cent) said that they did not have any adjustments in place specifically to help disabled employees. It tended to be the smaller workplaces that did not have any adjustments in place specifically for disabled employees.

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. This was especially the case in relation to installing wheelchair lifts, ramps and accessible toilets which it was felt could all entail considerable building work. Even large case study companies considered themselves to have financial constraints, in spite of some large companies having ring-fenced funding reserved for DDA adjustments. However, 72 per cent of employers who had made changes said that it had been easy to make the adjustments, while only 14 per cent said that it had been difficult.

Seven in ten service providers reported that there were adjustments in place at their workplace to assist disabled customers. The changes and adjustments which had been made or planned by service providers for their customers tended to be for those with physical impairments. Changes or adjustments which would be required for less observable types of impairment were less frequently reported as being in place or planned for the future.

Workplaces with disabled employees were more likely to have made adjustments for disabled customers as were larger workplaces. Around four-fifths of service providers who had employed a disabled person had provision in place or planned for disabled customers.

The effect of the DDA as a motivating factor for making adjustments

More than nine out of ten (92 per cent) service providers who were aware that adjustments had been made to the way they provided services to disabled people stated that they were implemented because it was the 'right thing' to do for disabled customers. Sixty-eight per cent stated that the benefit of making the changes outweighed the costs. The case study evidence also suggested that business incentives (such as widening the customer base) were often viewed as key factors for changes in customer provision. Positive public relations were also seen as important, and some respondents highlighted customer expectations for certain provisions (for example, disabled accessible toilets) to be in place.

The DDA was more influential in changes made for customers than employees. The case studies showed that some organisations were already making provisions for their disabled customers before the Act. These changes had been introduced under a general ethos of looking after customers, or in reaction to customer feedback, rather than in direct response to the DDA. However, the case study findings also suggest 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.

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. There was little spontaneous mention of the Disability Rights Commission which points to potential for broader publicity of its role and services. One possibility would be for the Disability Rights Commission to establish and market a dedicated service specifically to help employers and service providers comply with the Act.

Conclusions

This finding suggests that there is a lack of knowledge about disability on the part of employers, in particular small employers, who have not employed a disabled person and that employers, especially small ones, still do not have as broad a perception of disability as is set out by the DDA. Disability still carries connotations of physical and visible impairments. There are misunderstandings and prejudices around mental illness. 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 and the inclusion of conditions such as epilepsy and diabetes.

There was generally greater awareness of the DDA in organisations with a policy for disabled customers/employees/applicants compared to organisations without such policies. 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.

1 Introduction

This study explores how employers and service providers are responding to both previous and forthcoming provisions in the Disability Discrimination Act (DDA) 1995.

The research objectives are:

- to explore how employers and service providers have responded to existing requirements of the DDA, in particular policies and practices on:
 - recruitment;
 - employment;
 - service provision;
- specifically, to examine:
 - awareness of the Act;
 - awareness and use of sources of advice and information;
 - adjustments made and planned;
- to explore whether, and if so how:
 - service providers are preparing for new access duties to be introduced in October 2004;
 - employers are preparing for the changes to the employment provisions including abolition of the 15-employee exemption threshold in October 2004;
- to investigate whether organisations (acting as employers and service providers) are adopting a holistic approach to the requirements of the Act;
- to identify the development of best practice and sources of information.

1.1 Background

The present Government is committed to achieving a fairer 'inclusive society', whereby people are given full opportunity to participate in all aspects of society, regardless of sex, age, ethnicity or ability (DSS, 1999, Treasury, 2002).

For more than 30 years disabled people in Britain have been calling for legislation which protects them from various forms of discrimination and which entitles them to the same rights as other members of society and which *'outlaws and requires removal of the environmental and social barriers which prevent us from participating on equal terms in the ordinary activities of daily life'* (Davis, 1996). The position of disabled people in society led Gliedman and Roth (1980) to state that:

'The label of disability carries with it such a powerful imputation of inability to perform any adult social function that there is no other descriptor needed by the public.'

(cited in Davis 1995:9)

The point that the authors made 20 years ago is that few people see beyond the impairment and that society does not allow a 'disabled individual' to be anything other than disabled. Various studies have shown that disabled people experience discrimination in all aspects of their lives and some authors have argued that it is not the inability of an individual which determines disability but society's inability to adapt. For example Hahn (1986) suggests that:

'Disability stems from the failure of a structured social environment to adjust to the needs and aspirations of citizens with disabilities rather than from the inability of a disabled individual to adapt to the demands of society.'

(Hahn 1986: 128)

Other studies have looked specifically at certain aspects of discrimination. For instance, Barnes (1991) explored the barriers and discrimination that disabled people encounter as they search for employment. More generally, research in the last decade examined the level of disadvantage that disabled people experience in the labour market. For example, they are up to three times more likely to be unemployed than are non-disabled people (although recent results from the Labour Force Survey estimate that disabled people are about 1.4 times more likely to be unemployed than non-disabled people). Research also shows that the incidence of unemployment might increase with the severity of the disability. (Martin *et al.*, 1989, Prescott-Clarke, 1990, Berthoud *et al.*, 1993; Hyde 1996; Loumidis *et al.*, 2001a and 2001b; Office for National Statistics, 2002). Indeed, some disabled people moving from benefits to work face multiple disadvantages in the labour market (Ashworth *et al.*, 2001)

Previous attempts to prevent discrimination have had limited success. For example, the 1944 and 1958 Disabled Persons (Employment) Acts introduced employment quota schemes¹, which required all employers to recruit at least three per cent of its workforce from (registered) disabled people (employers with fewer than 20 employees were exempt from this legislation). However, these schemes were generally ineffective and very few employers were prosecuted for ignoring the quotas (Finn, 1993).

In 1979 the Committee on Restrictions against Disabled People (CORAD) was given the task of examining some of the barriers that created discrimination against disabled people. One of its recommendations was that there should be anti-discrimination legislation to make discrimination on the grounds of disability illegal. Despite the rising public awareness of disability issues, it was not until 1995 that legislation was introduced.

The DDA 1995 came into force on 2 December 1996. It introduced new laws and measures aimed at ending the discrimination which many disabled people face in the areas of: employment; access to goods, facilities and services; the management, buying or renting of land or property; and the duties of trade organisations to their members and applicants. The Act was seen by many as fundamental in shifting the emphasis away from a medical approach², towards a societal or social approach that seeks to overcome disadvantage by adapting society, social and economic institutions to ensure that everyone's abilities are accommodated (Priestley, 2000). Although some have argued that the barriers faced by disabled people are similar to those confronting non-disabled people, and that they have a mutual interest in securing equal rights and access to work, goods, services and premises (Christie with Mensah-Coker, 1999).

The DDA defines disability as a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. 'Long-term' is usually defined as 12 months or more. More specifically, the Act lists a number of functions that may be affected, including mobility, manual dexterity, speech, hearing, eyesight and memory. People with a learning disability (such as difficulty concentrating, learning or understanding), or with a long-lasting clinically well-recognised mental health condition could also fit within the Act's definition. As well as people who are currently disabled, the Act also covers those who have been disabled in the past. (Further details on the definition of disability under the Act are available in guidance issued by the Secretary of State (Secretary of State, 1996; DRC, 2002a).) The Act's definition of disability is important, because previous research shows that employers and service providers adopt a rather narrow definition of disability that emphasises sensory and physical impairments (Stuart *et al.*, 2002).

¹ The scheme was abolished with the introduction of the DDA.

² Which looks for medical or rehabilitative ways to overcome disadvantage.

Under Part II of the Act, which came into force on 2 December 1996, it is unlawful for employers covered by the Act to discriminate against employees or job applicants on the grounds of disability (see also DRC, 2002b). As part of the protection offered by the Act, employers may have to make 'reasonable adjustments' to their recruitment arrangements 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 and excluded certain types of employee, namely, police officers, fire fighters, prison officers, members of the armed services, employees who work wholly or largely outside Great Britain, and employees working on board ships, aircraft or hovercraft. However, most currently excluded occupations, including police officers, fire fighters and prison officers will also be brought within the scope of the Act's employment provision from October 2004. On the 1 December 1998 the exemption threshold of 20 was reduced to 15, and the Government intends to remove it in October 2004.³ As a consequence, the study encompasses small businesses to explore how they are preparing for the forthcoming change in legislation.

Part III of the Act places specific requirements on the way goods, facilities or services are offered to disabled people (see also the Code of Practice (DRC, 2002c)). The Act defines as a service provider anyone who provides goods, facilities or services to the public or a section of the public in the UK. Thus, it excludes manufacturers and designers of goods and firms supplying services to other businesses; in addition, there are certain exemptions to the legislation, notably private clubs with a member selection process and the use of public transport. However, most services are covered, and under the Act:

- it is unlawful to treat disabled people less favourably than other people for a reason related to their disability or impairment (since December 1996); and
- reasonable adjustments must be made for disabled people (since October 1999). 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 (for example, if a disabled person has difficulty accessing premises to providing an 'at home' service).

On 1 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 features of their services make access for disabled people unreasonably difficult or impossible. Examples of relevant physical features are steps, kerbs, parking areas, toilets, public facilities (such as telephones or counters), lifts and escalators.

³ If the number of employees falls below the current threshold then the employer becomes (temporarily) exempt. In addition, independent franchise holders are exempt if they employ fewer people than the threshold, even if the franchise network has more than 15 employees.

Part IV of the Act requires schools, colleges and universities to provide information about arrangements for disabled people. The Special Educational Needs and Disability Act 2001 has amended the DDA, and since 1 September 2002 it has been unlawful for providers of educational and related services to discriminate against disabled people (including prospective students/pupils) for an unjustified reason related to their disability. Changes in the education sector are to be phased in three stages, ending in September 2005.

In addition, under Part V of the Act the Government has set minimum standards so that disabled people can use public transport easily.

Two previous studies of the Disability Discrimination Act have been published. These are Stuart *et al.* 2002, which examined how employers and service providers are responding to the Act and Meager *et al.*, also 2002, which looked at the costs and benefits to service providers of making reasonable adjustments under Part III of the Act. For the reasons stated in Section 1.2.1, any comparisons between the present study and the previous studies must be treated with extreme caution.

1.2 Research design and methods

In this section we outline our research design and methodology. Both qualitative and quantitative methods were incorporated in the study in order to both explain and measure attitudes and responses to the DDA. Further details of the approaches taken for both methods are included below.

1.2.1 Quantitative method

The quantitative survey was conducted by telephone using Computer Assisted Telephone Interviewing (CATI). The interviews were conducted at the workplace level with the person responsible for the recruitment and management of employees at that site. All service providers at workplaces with over 100 employees were asked whether they were the appropriate person to answer questions about their customers. Service providers who said that they were not the most appropriate person were asked if they could provide details of who should be contacted. In total 17 respondents directed us to contact somebody else within the organisation, this was equivalent to less than one per cent of the weighted data set. All service providers at workplaces with 100 or fewer employees were presumed to have enough knowledge to be able to answer questions about their workplaces' customers. In total there were 2,022 interviews with employers and the interview lasted an average of 25 minutes. Fieldwork was carried out at the beginning of 2003 in January and February.

Workplaces were randomly sampled within country and workplace size strata from the BT business database. Workplaces were sampled within strata as the intention was to over-represent larger workplaces and workplaces in Scotland, Wales and Northern Ireland. It was felt necessary to over represent these workplaces as a simple random sample would not deliver analysable sample sizes for these key groups of

interest. For analysis purposes the data has been weighted back to match the workplace profile of the Inter Departmental Business Register (IDBR) as this provides a comprehensive count of workplaces in the UK.

Table 1.1 shows the proportion of workplaces interviewed by country and workplace size and the proportions they were weighted back to from the IDBR.

Table 1.1 Sample profile

	Original (%)	Weighted (%)
England	54.6	84.7
Northern Ireland	15.7	3.0
Scotland	15.0	8.2
Wales	14.7	4.1
6 or fewer employees	40.8	47.6
7 to 14	26.4	27.2
15 to 99	23.9	22.1
100+	8.9	3.1

Sample characteristics

This survey was conducted at the workplace level rather than at the level of the organisation as a whole. The term ‘organisation’ refers to the overall size of a business, whereas the term ‘workplace’ refers to each single business unit. Both variables will be referred to in the report. When referring to multi-site businesses, the term ‘organisation’ is used to refer to the business as a whole and ‘workplace’ to a local unit within the organisation. When referring to single-site organisations, the term ‘organisation’ and ‘workplace’ may both be used depending on the context. By focusing on the local ‘workplace’ rather than the ‘organisation’ it was possible to talk to line managers rather than HR specialists and get at actual practice rather than policy.

This is in contrast with the previous survey looking at how employers and service providers are responding to the DDA (Stuart *et al.*, (2002)), which looked at the reporting level unit⁴ as its focus was more on policy responses to the DDA. This means that any comparisons with the previous survey must be treated with extreme caution as there are significant differences in the sampling frames used in the two studies.

⁴ ‘Reporting unit level’ refers to the head office or regional office that files tax returns to the Inland Revenue.

Table 1.2 below shows the distribution of workplaces by the 1992 Standard Industrial Classification. As the armed services, and emergency services are excluded from the DDA, they were also excluded from the sample. Also excluded from the sample were some workplaces in the Education sector, specifically those in primary, secondary and higher education. Workplaces in adult and other education were included in the sample

After the Employment section of the questionnaire, respondents were asked a further question about their workplace relating to their customers or clients to assess whether they were a service provider. If respondents stated that their customers were 'members of the public only' or 'a mixture of the general public and other businesses or organisations' they were defined as being providers of a service and went on to answer the second half of the survey.

It could be the case that businesses have a mixture of customer types such as other businesses and organisations AND members of the general public which may account for the appearance of some manufacturing or construction businesses in the service provider category which would not typically be considered as 'service providers'.

Table 1.2 Workplace SIC code

	<i>Column percentages</i>
Distribution and repair	27
Real estate, renting and business activities	15
Manufacturing	13
Hotels and restaurants	11
Other community, social and personal activities	9
Health and social work	9
Construction	5
Transport storage and communication	5
Financial intermediation	2
Education	1
Public administration and defence	1
Agriculture, hunting and forestry	1
Electricity, gas and water supply	*
Mining and quarrying	*
Fishing	*
<i>Base: All employers</i>	<i>2022</i>

In addition to looking at the SIC of workplaces, we also asked employers whether their workplace was in the public, private or voluntary sector. Just over four out of five workplaces were in the private sector (82 per cent), one in ten were in the public

sector (nine per cent) and five per cent were in the voluntary sector. A further five per cent of employers were not able to say which category their workplace was in.

The size exemption in Part II of the DDA relates to the overall size of the business rather than the size of the workplace, so employers were asked whether or not their workplace was part of a larger business. Just over two-fifths of employers said that their workplace was one of a number of workplaces belonging to the same organisation (42 per cent) and just under three-fifths said that their workplace was a single independent workplace (58 per cent). The overall organisation size for workplaces in the sample is shown in Table 1.3.

Table 1.3 Overall size of business

	<i>Column percentages</i>
6 or fewer employees	34
7 to 14	17
15 to 99	16
100 to 499	6
500+	13
Don't know	14
<i>Base: All employers</i>	<i>2022</i>

Table 1.4 shows the job title of employers interviewed in the quantitative survey. Nearly two-fifths of employers either owned or were directors of their business (44 per cent), a similar proportion were responsible for the management of employees at their workplace (40 per cent). Only four per cent of respondents to this survey worked specifically in human resources or personnel.

Table 1.4 Employers' job titles

	<i>Column percentages</i>
Owner/director	40
Line manager	44
HR/personnel	4
Other	11
<i>Base: All employers</i>	<i>2022</i>

Analysis

The analysis uses both bivariate and multivariate techniques. Bivariate analysis examines the two-way associations of each of a number of selected outcome variables with potential explanatory factors such as workplace size and workplace

sector individually in order to identify certain factors as potentially important. An examination of each of these two-way associations helps to illuminate particular workplace characteristics that appear to distinguish organisations who are more likely to employ disabled people or make adjustments. However, as many of these characteristics are themselves inter-related, logistic modelling was also used to identify those characteristics that showed independent associations with the employment of disabled people.

Logistic regression

Logistic regression analysis is a statistical tool by which the key characteristics that distinguish organisations who are more likely to employ disabled people could be identified. It compares the likelihood (or odds) that known characteristics distinguish one group from another, and estimates the statistical significance of these differences. At the same time, it controls for other characteristics which are included in the analysis model. Further details of the method of logistic regression analysis are provided in Appendix B.

1.2.2 Qualitative method

The case studies were conducted using qualitative depth interviews. There were 74 interviews in total across 38⁵ case studies, and interviews generally lasted between 60 and 90 minutes. The sample was recruited from a list of workplaces taken from the BT Business Database and interviews conducted with staff at the sampled workplace, and where appropriate, at the head or regional office of the organisation. The fieldwork was carried out between April and July 2003.

Analysis

The case studies were analysed using a tool called Matrix Mapping. The interviews were transcribed in full and then summarised into analysis charts. The analyst then reviewed the charts, comparing and contrasting the perceptions, accounts, or experiences and searching for patterns or connections within the data set.

Sample characteristics

The purposive sample aimed to maximise diversity in order to ensure that as wide a range of opinion and experience was explored. For this reason, the sample included employers only and employers who were also service providers. Case study interviews were conducted across the UK in the North, Midlands and South of England, Wales, Scotland and Northern Ireland to ensure a geographical spread.

⁵ The number of case studies increased from the original research design due the difficulty encountered securing the proposed (up to five) number of interviews per larger case study. Hence, additional case studies were included in the research often with fewer interviews conducted per case study, therefore obtaining the required number of interviews overall.

The sample was based on the size of workplace, as measured by number of employees (see Table 1.5). The actual number of staff in workplaces ranged from three to over one thousand. The sample covered workplaces that were stand-alone operations and those which were part of organisations with multiple outlets. Most workplaces employing 100+ staff were part of multi-site organisations and similarly more of those employing 3-14 staff were single-site rather than multi-site operations. Overall organisation size varied from a one-site organisation of three employees to those with thousands of outlets.

Table 1.5 Number of employees at case study workplace/organisation structure

	3-14	15-99	100+	Total
Single-site	7	4	4	15
Multi-site*	3	7	12	22 + 1*
Total	10	11	16	38

* One multi-site business was not based at a workplace level

There was also considerable variation in the number of staff employed throughout an organisation, ranging from as few as three staff in single-site organisations to tens of thousands in the larger Government and international organisations.

Although spread across sectors, the case study sample predominantly consists of private sector organisations (see Table 1.6). It does also include public sector organisations such as local authority and Government agencies, but only one voluntary sector organisation. All of the employer only case studies were private sector companies.

Table 1.6 Case study sector

	Public	Private	Voluntary	Total
Employer only	0	10	0	10
Employment service provider	5	22	1	28
Total	5	32	1	38

Employer only businesses included construction, wholesale suppliers and manufacturing industries covering a range, e.g. food, alcohol, electroplating and transport production. Service providers covered financial/legal services, hospitality and leisure services, public services, food and non-food retailers, childcare, transport and media services. Most provided services through face-to-face contact with customers, though this differed for a small minority who used telephone or postal contact, e.g. for a surveyor, or produced forms of media for public consumption.

The aim of the case studies was to conduct local workplace-based interviews and where an organisation was part of a multi-site operation, to also conduct interviews with Head Office personnel to gain an organisational perspective.⁶

The number of interviews depended on the size of workplace and overall organisation. In larger workplaces more interviews were secured (up to four at a local level) and included staff in specific roles such as personnel, customer service, and TU reps.

Local level interviews were most often with people involved with recruiting and training staff. In some larger workplaces interviews took place with staff in a specific role, such as Personnel/Training managers where there was such a role, or Customer Service managers for some service providers. However, in smaller workplaces or organisations, the workplace manager, partner or proprietor of the business had a more generic role.

Where case study workplaces had a separate organisational Head Office, interviews were often with organisation Personnel and/or Training Managers. In a few cases interviewees were in specialist Disability or Diversity roles. In some, notably the larger organisations, roles included Employment Law, Occupational Health, and Policy managers. Again in smaller companies who had a separate Head Office, roles were more generic, for example, Company Operations manager or a Partner of the firm.

1.2.3 The report

- Chapter 2 examines how employers have responded to existing requirements of the DDA, in particular awareness of the Act, sources of information and advice, policies and practices on recruitment and employment and adjustments made or planned, in particular whether employers are aware of the abolition of the 15-employee exemption threshold in October 2004;
- Chapter 3 examines service providers' awareness of the Act, sources of information, and advice, policies and practices for customers with disabilities and adjustments made or planned, in particular whether service providers are preparing for new access duties to be introduced in October 2004;
- Chapter 4 investigates whether organisations (acting as employers and service providers) are adopting a holistic approach to the requirements of the Act;
- The Conclusion summarises the key chapter findings and identifies the development of best practice and potential sources of information to heighten awareness of the new provisions.

⁶ In a small minority of case studies it was not possible to secure both Head Office and local interviews.

2 The employment of disabled people: Employers' responses to Part II of the DDA⁷

2.1 Introduction

Part II of the DDA makes it unlawful for employers to discriminate against disabled employees and applicants. In the original legislation small businesses were exempt from all of the provisions within Part II, although they were covered by Part III of the Act relating to service providers. The initial definition of a small business was one with fewer than 20 employees. In accordance with the DDA this was revised downwards to fewer than 15 employees in 1998. In October 2004 the Government intends to remove this exemption altogether.

This part of the research aims to explore:

- awareness of Part II of the DDA and its provisions;
- adjustments in place at workplaces with disabled employees;
- the proportion of workplaces employing disabled people; and
- how recruitment practices affect disabled applicants.

⁷ Throughout this chapter the following conventions have been used in tables:

* Figure less than 0.5 per cent (weighted)

○ No observations

Where Chi-square tests have been applied, responses of 'don't know' or 'not stated' were excluded from the sample tested in each individual case.

In particular, this research aims to assess to what extent employers who are currently exempt from Part II of the legislation (who employ fewer than 15 staff in the overall organisation), are aware of the changes that will come in to force in October 2004. The research also seeks to assess the attitudes of employers to employing disabled people on a number of key issues.

Section 2.2 of this part of the report looks at awareness of the DDA, what is contained in current legislation and employers’ perceptions of disability. Section 2.3 examines the employment of disabled people in the workplace. Following this, Section 2.4, describes existing employment policies and practices ‘on the ground’. Section 2.5 covers recruitment practices, including how difficult employers perceived it to be to employ people with a variety of specified conditions. The penultimate Section, 2.6, seeks to assess what adjustments are in place to help disabled employees and why changes have been made. Finally, Section 2.7 explores employers’ attitudes to employing disabled people at their workplace and in general.

2.2 Awareness and knowledge of the DDA employment provisions

2.2.1 Spontaneous awareness of legislation

All employers were asked whether they were aware of any legislation giving rights to employees and job applicants with long-term health problems or disabilities. Respondents who said yes were asked if they knew the name of the legislation and interviewers then coded the responses as either ‘Yes – DDA’, ‘Yes – some other name’, ‘Yes – don’t know name’ and ‘Not aware of any legislation’. The results are shown in Table 2.1 below.

Table 2.1 Spontaneous awareness of legislation

	<i>Column percentages</i>
Yes – DDA	10
Yes – some other name	2
Yes – don’t know name	51
Not aware of any legislation	37
Don’t know	*
<i>Base: All employers</i>	<i>2022</i>

Three-fifths of employers (63 per cent) said they were aware of some legislation giving rights to disabled employees or applicants. When asked the name of the legislation, half of all employers said that they did not know. However, one in ten employers (10 per cent) were able to spontaneously name the DDA. A small number

of respondents mentioned other generic names such as 'Equal opportunities' or 'Disability Act'.

Employers in larger workplaces were more likely to be aware of legislation giving rights to disabled employees and job applicants, 92 per cent in workplaces with 100+ employees compared to 60 per cent in workplaces with fewer than 15 employees. They were also more likely to be aware of the DDA. Three-fifths of employers in workplaces with 100+ employees (60 per cent) spontaneously named the Act compared to just six per cent of those with fewer than 15 employees.

Taking into account overall organisation size, a similar awareness trend is observed to that seen with increasing workplace size.⁸ Over half of employers at workplaces which were part of an organisation with up to six employees were aware of some legislation (56 per cent) compared to nearly three-quarters of employers at workplaces in organisations comprising 500 or more employees (74 per cent).

Awareness of the legislation was also higher among employers at workplaces where there have been disabled employees. Over two-thirds of these employers (69 per cent) were aware of some legislation compared to just under three in five employers at workplaces where there had never been disabled employees (59 per cent). These employers were also more likely to name the DDA specifically, 16 per cent compared to just six per cent of employers at workplaces which had never had an employee with a disability.

Nearly nine in ten employers in the voluntary sector (88 per cent) and four-fifths of employers in the public sector (78 per cent) were aware of legislation giving rights to disabled employees compared to just under three-fifths of employers in the private sector (59 per cent). They were also more likely to be able to spontaneously name the DDA, 26 per cent compared to seven per cent of employers in the private sector.

Employers at workplaces which were part of a larger organisation were more likely to be aware of legislation than those whose workplace was a single-site (68 per cent compared to 59 per cent). These employers were also more likely to specifically name the DDA than employers at single-site businesses (16 per cent compared to five per cent).

The case studies mirrored the quantitative findings in that knowledge of the DDA was usually higher in larger organisations (of 100 or more personnel overall). There was greater awareness at Head Office rather than the local office level. Respondents' knowledge of the Act also depended on their role. Human Resources specialists and policy advisers (again usually based at Head Office) made most frequent spontaneous reference to the Act and could often state its content, including the requirement for

⁸ This and subsequent analysis of overall size is comprised of workplace size for cases of single-site workplaces and the overall organisation size for workplaces which were part of multi-sites.

reasonable adjustments and the 2004 changes. Local staff, particularly those in small single-site organisations showed less knowledge of the Act.

'A lot of the staff who aren't management, aren't supervisors aren't aware of it ...'

(ESP/100+/Private/Multi-site/Local office)

Respondents who did not spontaneously mention the DDA in the survey were then given a brief description of the Act and asked whether they were aware of it prior to the survey. A further 52 per cent of all employers were aware of the Act when prompted, so in total just over three-fifths (62 per cent) had heard of the DDA. Interestingly, two-fifths of employers (39 per cent) who had said they were not aware of any legislation when asked initially said they had heard of the DDA when prompted.

Employers in larger workplaces were more likely to have a higher overall awareness of the DDA (spontaneous and prompted combined) than those in smaller workplaces. Nearly all employers at workplaces with 100+ employees had heard of the DDA (93 per cent) compared to just over half of employers at workplaces with six or fewer employees (56 per cent). Employers at workplaces that have had disabled employees were also more likely to have heard of the DDA, 70 per cent compared to 57 per cent of employers at workplaces which have not employed disabled people. Employers in the public and voluntary sectors were also more likely to be aware of the DDA than those in the private sector. Seventy-one per cent of employers in the public sector and 75 per cent of employers in the voluntary sector were aware compared to 61 per cent of employers in the private sector. Employers whose business had a policy covering the rights of disabled employees were also more likely to be aware of the DDA, 71 per cent compared to 53 per cent of employers whose business did not have a policy covering the rights of disabled employees.

The results of the multivariate model showed that, when analysed together, workplace size, presence of a policy giving rights to disabled employees and whether employers currently have disabled employees remained significant factors. However, the sector of the workplace was no longer a significant indicator of awareness. Full details of the analysis conducted can be found in Appendix B.

2.2.2 Sources of information about the DDA

Employers who were aware of the employment provisions of the DDA were asked how they first heard of the Act. The media tended to be the main source of awareness at smaller workplaces. Nearly a third of employers at workplaces with six or fewer employees (31 per cent) said they had heard of the Act through the media, compared to just under one in ten of those at workplaces with 100 or more employees (eight per cent). The business itself was a source of awareness for employers at workplaces with over 100 employees, with nearly one in five mentioning HR/Head Office (19 per cent) and a similar proportion mentioning training (19 per cent).

The case studies also reflected the survey findings in that the media was felt to have been an important factor in raising disability awareness. The Internet was a favoured information tool for those staff actively seeking information about the DDA and disability-related matters. It was the first point of reference for some respondents. There was positive mention of the DTI and DWP as well as the Disability Rights Commission websites. There was little spontaneous mention of the Disability Rights Commission itself within the case studies overall however. There was isolated comment that, although helpful, the Disability Rights Commission can be difficult to contact.

'It's proving frustrating and more difficult to get actually in contact with them because they're obviously being used very, very heavily now.'

(ESP/3-14/Private/Multi-site/Head office)

Some of the larger companies interviewed within the case studies had run training sessions for their Head Office staff to inform them of the provisions of the Act. Local managers who were aware of the DDA said that it was through the organisation's intranet or via training.

2.2.3 Factors impacting on awareness

The case studies identified factors that impacted upon employees' levels of knowledge of the DDA. In larger organisations (100+ personnel) external advisers and experts such as Human Resources advisers or legal consultants appeared to have filtered information through. There was also mention of information being passed from Disability Employment Advisers in Jobcentres. Some larger organisations used internal or external Occupational Health professionals who were considered the organisation's specialists with regard to the DDA and a key reference point in dealing with an employee disability issue. There was also an example of the DDA being mentioned through an organisation's trade union. In addition, companies that belonged to forums felt that issues relating to legislation were raised at these. Forums were considered a useful platform for discussion of the practical implications of legislation and exchanging suggestions about best practise. They were also felt to produce useful practical guidance for companies, although at a cost. One example of this was Employers' Forum on Disability guidance packs, which one manager had found very useful, even though his organisation had had to pay for them.

'The Employers' Forum produce these really, really good packs and they have got information from making practical adjustments for people with back problems or diabetes ... everything you could possibly think of.'

(ESP/100+/Private/Multi-site/Head Office)

Smaller organisations within the case study sample rarely had recourse to specialist advisers or expertise, perhaps one reason why their knowledge of the DDA was generally lower. In small companies, individuals frequently performed numerous roles and felt they had little time to source specialist information. The expense of paying consultants was considered too high for some smaller organisations. Even

some of the larger companies (100+ staff) that had once had a designated equality, disability or policy specialist had terminated the role in an effort to reduce costs. Nevertheless, there were reported benefits of having personnel dedicated to monitoring legislation:

'Big companies, they have HR people, that's all they do, day in day out, but if you haven't got a dedicated member of staff doing that then I am sure it is quite difficult and I am sure the smaller the store, the harder it must be, because if you are running a greengrocer how do you get hold of this information?'

(ESP/15-99/Private/Multi-site/Head Office)

2.2.4 Awareness of the main provisions of legislation

All employers who said they were aware of some legislation were then asked a series of questions to ascertain their level of knowledge as to what was covered by it. First of all, they were asked to describe, in their own words, what the main provisions of the legislation were. The most common responses are shown in Table 2.2 below.

Table 2.2 Main provisions of legislation

	Column percentages
No discrimination on grounds of disability/ill-health	46
Equal consideration for job applicants	16
Equal opportunities	15
Reasonable provisions and adjustments in the workplace	13
Accessibility to facilities/buildings	11
Equal rights	7
Fair chance for all	7
Mandatory positive discrimination/disability quotas	3
Disabled people have equal ability to do the job	3
Adjusting job and workload to meet needs	3
Other	10
Don't know	16
Base: All aware of DDA or some legislation	1561

Nearly half of all employers aware of legislation said that the legislation made it illegal to discriminate on grounds of ill-health or disability (46 per cent). It was also a common assumption amongst the case study staff that there must be anti-discrimination legislation in existence (even when detailed knowledge was low).

'I would have thought you were obliged to treat every person equally. I would have thought that is the main objective. That you are not allowed to discriminate against anybody because of the fact that they have got a disability.'

(ESP/3-14/Private/Multi-site/Local office)

Around one in six said that equal consideration had to be given to all job applicants (16 per cent) and a similar proportion mentioned equal opportunities (15 per cent). Other descriptions of provisions in the legislation focusing on the general area of equality were 'equal rights' (seven per cent) and 'a fair chance for all' (seven per cent). Overall, nearly three-quarters of employers gave a description of the legislation that focused on promoting equality or banning discrimination.

Just over one in ten employers (13 per cent) said that the legislation required them to make 'reasonable' adjustments to the workplace for their disabled employees. These employers tended to be from the larger workplaces, 51 per cent at workplaces with over 100 employees. However, it is worth noting that around one in ten employers from workplaces with fewer than 15 employees (10 per cent) were also aware of this and it was the fourth most common description of the legislation's provisions. There was a view among some of the more senior case study staff that awareness of companies' obligations to consider adjustments in the workplace had improved over time due to publicity of the DDA.

Encouragingly, only three per cent of employers thought that the legislation meant that there were mandatory quotas on the number of disabled people that they had to employ. This was the only misconception about the legislation that was mentioned in any notable numbers.

Around one in six employers who were aware of some legislation (16 per cent) said they did not know what the main provisions were. As might be expected, employers at smaller workplaces were more likely to say this. A fifth of workplaces with fewer than six employees (20 per cent) could not describe the legislation's provisions compared to three per cent of employers at workplaces with over 100 employees. Employers at workplaces which had never had disabled employees were also more likely to say that they could not describe the provisions of the Act, 20 per cent compared to nine per cent of those where there have been disabled employees.

Staff interviewed within the case studies sometimes felt that the Government could have fed more information directly through to them rather than leave companies to source information themselves. One manager even felt that this extended to a moral obligation. This view tended to be expressed by the smaller, private organisations that did not have specialist personnel designated to update the organisation on legislative changes.

'If the Government introduces the Act then I think the Government has a moral obligation to inform companies what they want them to do. It just seems pointless to set up Act after Act and not have any kind of communication so that people are aware of it. There may be things that people could do, or grants available, that people don't know about.'

(EO/3-14/Private/Single-site)

It was suggested that the most useful communication would be in uncomplicated, concise language.

'I don't tend to read legislation ... I'm not a lawyer so I tend to go for interpretations of it, and guidelines ... it's a question of making any legislation guidelines user-friendly ... that a non-legal expert can read and understand.'

(ESP/15-99/Private/Multi-site/Head office)

Someone suggested producing a memo that might be passed down to staff at all levels within the organisation. Practical examples of changes made and the resultant benefits were considered more useful than detailed legal text. Staff who were aware of the Codes of Practice said that they had found them very useful.

'I want to see real examples. You know, if there were – And if this is going to be helping people decide how to educate us, the HR community, and managers in general, then short real examples, because I can't stand reading lots of pages of stuff, I just want it short and sharp.'

(EO/100+/Private/Multi-site/Head Office)

2.2.5 Reasonable adjustment

Overall, the concept of reasonable adjustment was poorly understood and, as evidenced by the case study participants, there was considerable uncertainty as to what is meant by it. Respondents who did know of the provision for reasonable adjustment interpreted it in different ways. Some people considered reasonable adjustment in relation to current employees and did not spontaneously consider its relevance to job applicants, whereas others felt that it applied to everyone. There was a tendency for case study respondents to interpret reasonable adjustments in light of access issues and to think of large-scale adjustments such as installing accessible toilets and lifts rather than small ones (perhaps also because of the immediate association of wheelchairs with disability).

'We would look into access and all that would be dealt with from Head Office.'

(ESP/100+/Private/Multi-site/Local office)

Respondents expressed a desire for clearer guidelines about specific issues in relation to the Act:

- What is 'reasonable' in the context of **my** business?
- What examples of best practise can I draw on?

'The law has been written to be fairly vague and open because disability is such a wide area. But I think there could be some basic guidelines, some ground rules that everybody could work to, which might be useful ... A guide as to what is reasonable, what is good practice for a business to do in particular areas. That's the sort of thing we've struggled to find in the areas of disability.'

(ESP/100+/Private/Multi-site, Head office)

There was awareness that there had been debate surrounding the question as to what constitutes 'reasonable' and larger organisations in closer contact with the Government anticipated further clarification in this area.

2.2.6 Changes to the legislation

Employers who were aware of legislation were then asked a number of questions about the size exemption for smaller businesses that is due to be removed in 2004.

Firstly they were asked whether they were aware that the legislation included an exemption for businesses with fewer than a certain number of employees. Just over two-fifths (42 per cent) said that they were aware of this exemption. The proportion of employers at businesses who are affected by the exemption (those with fewer than 15 employees) was very similar (43 per cent). Looking at all employers at organisations with fewer than 15 employees, a third of these employers (13 per cent) were aware of legislation giving rights to disabled employees and that there was an exemption for smaller businesses.

All employers who said they were aware of the exemption were asked what they thought was the maximum number of employees a business could have to be exempt. A quarter said that they did not know the level the legislation set. Three in ten (30 per cent) thought that the exemption was set at fewer than ten employees, this was especially the case amongst employers at the smallest workplaces (38 per cent). In total over half of employers aware of the exemption (54 per cent) knew the correct level or thought it was lower than it currently is, compared to just one in five (20 per cent) who thought it was higher.

Employers who were aware of the exemption were then asked whether they were aware that it is due to be lifted and one in eight said they were (13 per cent). These employers were then asked whether they knew when it was being lifted, and nearly two-fifths (38 per cent) knew that it was going to be lifted in 2004.

Nearly one in ten employers at organisations with fewer than 15 employees who were aware that there was an exemption in the legislation (nine per cent) knew that this exemption will be lifted. This was equivalent to just three per cent of all employers at organisations with fewer than 15 employees, the group that will be affected by the change. While this may seem like a small proportion, it should be remembered that this is because a large number of employers were not aware of an exemption to begin with.

The case studies revealed some anxiety on the part of personnel in small organisations (with under 15 employees). They were not all aware of Part II of the DDA and questioned its implications for them. There was some concern about having to comply with the Act by October 2004.

'Until you came along and spoke, although we knew of the Disability Act, we didn't actually know it was going to be extended to a reduced number of employees. The Government are just passing the buck down the line 'you will do this', but not telling anyone about it ... and then everyone will start getting fines if they are not doing their job right.'

(EO/3-14/Private/Single-site)

2.2.7 Awareness of what is meant by disability

In addition to measuring awareness of the Act and its provisions, the quantitative survey also attempted to find out what employers understood by the term 'disability'. This was important in order to uncover whether individuals' definitions and the Act's definition of disability correlated. The DDA defines a disability as:

'A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.'

It is important to note here that the Act does not specifically cover a list of conditions but defines disability as a condition that impacts on day-to-day activities.

The term 'day-to-day activities' must include:

- mobility - moving from place to place;
- manual dexterity - for example, use of the hands;
- physical co-ordination;
- continence;
- the ability to lift, carry or move ordinary objects;
- speech, hearing or eyesight;
- memory, or ability to concentrate, learn or understand;
- being able to recognise physical danger.

In addition to this, the Act can also cover people with severe disfigurements, people with progressive conditions and those who had a past disability.

Employers were read out a list of nine conditions which may qualify as disabilities under the Act and asked whether they considered somebody with that condition to be disabled. The proportions are shown in Table 2.3, along with the precise descriptions provided in the interview. The wording of the descriptions avoided reference to degree of severity, as this is a subjective matter, and, aside from a disability being something which limits day-to-day activity, few specific degrees of severity are specified as qualification criteria in the Act.

Table 2.3 Proportions considering condition to be a disability

	<i>Column percentages</i>
Mobility problems – difficulty getting around or moving from place to place	76
Lifting/dexterity problems – difficulties using their hands to lift or carry everyday objects	69
Facial or skin disfigurement	8
Hearing impairment – which affects their ability to take part in everyday speech	63
Visual impairment – not corrected by glasses	69
A mental illness	62
A learning difficulty – used to be called a mental handicap	57
A speech impairment – which affects their ability to take part in spoken conversation	41
A progressive illness such as cancer or Parkinson’s disease	33
<i>Base: All employers</i>	<i>2022</i>

Given that each of the conditions described may qualify as a disability under the DDA, the results of this question are perhaps surprising (Table 2.3). None of the conditions was universally acknowledged as a disability, and acknowledgement fell to as low as one in 12 respondents for facial or skin disfigurement.

The case study findings were broadly similar to those of the survey but also enabled us to understand perceptions of disability more fully. When asked for their personal definition of disability, respondents usually raised mobility (often in relation to wheelchairs), sight and hearing difficulties spontaneously. Learning disabilities were also mentioned. There was a tendency, however, for people to equate visual above hidden conditions and physical above psychological ones with disability.

‘Generally people think, people with a disability are people who can’t get about, don’t they? ... They do, they think they can’t get about or, they can’t walk very well, or, you know, they are blind or they are deaf, or whatever, and I mean I have to say, I probably wouldn’t have thought that mental illness or depression is a disability. On face value, you wouldn’t would you?’

(EO/3-14/Private/Single-site)

There was a general perception that disability is a long-term condition (often acquired from birth) that affects a person’s ability to function as fully as their peers. One view was that only someone who was registered disabled would be covered under the DDA, whereas another was that any medically recognised condition might be covered. Respondents’ associations with disability were influenced by their personal exposure to it. Respondents within the case studies included some disabled people, who had sometimes read the DDA provisions for their own information so they had greater insight into how the Act defines disability.

When prompted with the list of conditions (also used in the quantitative survey) respondents struggled to recognise certain conditions as disabilities. Respondents questioned why drug-controlled conditions were disabilities, the rationale being that disability usually affects someone's daily performance, whereas a drug-controlled condition may only occasionally impact upon an individual's performance.

'Things like diabetes or epilepsy would affect a job but I wouldn't have thought of that personally as being a disability as such, it's a condition, sure.'

(ESP/15-99/Private/Multi-site/Local office)

Conditions such as Multiple Sclerosis also caused some confusion because of their variable and intermittent nature, as did psychological conditions which were considered challenging to define, largely due to the perceived variability of individual cases. The DDA description of disability as a condition that has lasted 12 months or more was not familiar to many case study respondents. Some senior staff made spontaneous mention of this guidance but even then it was questioned how easily a time-scale could be attributed to a condition, especially if the condition was erratic. This also raised the question as to when an illness or health problem becomes a disability.

Some respondents could not always understand why aesthetic conditions such as facial scarring counted as disabilities either, because they struggled to identify how such a condition would impact on someone's ability to function in the workplace. In some cases, respondents did not consider the impact on the individual as spontaneously as they might do with a wheelchair user, for example. However, other peoples' reactions to this kind of disability were considered more spontaneously.

'I don't think a facial scar prevents you from doing your job or from moving about or anything.'

(ESP/15-99/Private/Multi-site/Local office)

The question arose as to why the Act was retrospective and people who had been disabled in the past were still covered by the DDA. This was particularly so for employers who had not knowingly employed a disabled person. Employers questioned who would fall under this description and questioned why employees were covered if they were not currently 'disabled'.

'Someone who was disabled in the past but they're OK now ... Not very clear that bit. I knew about people who come in with disabilities and if they get disabled through the workplace ... but that's it.'

(ESP/100+/Private/Multi-site/Local office)

However, employers with staff who had undergone operations (such as kidney transplants) or been in severe accidents, found it easier to relate to why such individuals were included in the Act.

There was also confusion as to what can or cannot be classified as a disability. Staff said that back problems were a common complaint among employees but there was

some doubt as to whether back pain is classified as a disability or not. One senior manager made a reference to the problem of alcoholism and drug addiction among employees, commenting that these were common issues worth the organisation's attention. The manager in question was aware that these conditions were not covered by the DDA but suggested that companies should have policies to cover these categories as well.

The case studies also highlighted how difficult it can be for an organisation to understand a person's condition fully. Back pain was one condition, for example, which even doctors found difficult to assess and relied on individuals' recounted experience in order to judge its severity. Staff said that they had received very ambiguous medical reports in relation to back pain, leaving it largely up to the employee to define how it was affecting them and what their limitations were. This illustrates the extent to which disability is largely self-defined by the person in question. It was considered by respondents to be important to treat each person independently in acknowledgement that individual perspectives can be very different.

'You may have two people with a condition and one person may consider themselves disabled and one may not. And how you consider that comes back to people being individually assessed on what they are able to do.'

(ESP/100+/Private/Multi-site/Head office)

An additional problem for staff was employees disclosing rare conditions that staff had little knowledge about. In these instances, employers either referred cases on to an occupational health specialist or sought more detail about the condition from the employee in question or specialist organisations. Such specialist organisations and charities were felt to have been useful additional sources of advice.

The survey findings indicated that employers at larger workplaces (100+ employees), those with better than average awareness of the DDA, and the voluntary sector were most likely to acknowledge each of the conditions listed in Table 2.3 as a disability. The scale of the difference was much lower where overall acknowledgement was higher (for example mobility problems), but much larger where overall acknowledgement was low (for example, facial or skin disfigurement).

These differences are not surprising. The voluntary sector may typically contain a relatively high proportion of staff working with, or on behalf of, disabled people, or on related matters, and can therefore be expected to have higher acknowledgement. Large organisations, particularly the very large with 500+ employees, have high awareness of the DDA, so these two elements 'merge', and very probably reflect the fact that in such organisations the respondents tended to have been human resource professionals.

Interestingly, past or current employment of a disabled person did not make a major difference to acknowledgement of the specified conditions as disabilities. Though such 'experienced' employers did tend to have slightly higher levels of acknowledgement in this respect, the difference from those without such experience was not large in most cases.

The findings from the case studies highlight a marked lack of knowledge about disability on the part of employers and staff. The findings emphasise a need for clarification of specific issues, including:

- What is the difference between disability and sickness/illness?
- What is covered under the category of employees who have been disabled in the past?
- How ought employers to treat intermittent/unstable conditions?
- What is the significance of the severity of each individual condition (e.g. when does hearing difficulty become a disability)?
- When does registration/medical certification become an issue for consideration?

The language of disability was also raised as a point of interest. Case study participants suggested that 'disability' can have negative connotations for some people and carry a degree of stigma.

'I think there's still a stigma attached to disability regardless of how much progress has been made. You speak to someone with a disability especially if it's visible then they will tell you for the most part they are still treated differently. Certain organisations have done a lot of work trying to overcome that and try to reduce the impact of the stigma, but in a sense it's still there.'

(EO/100+/Private/Single-site)

One respondent suggested that this might be due to the word itself which focuses on the negative impact of a physical or psychological condition; someone's 'inability' to function. There was also a rejection of the broad label of 'disability' as conditions and individuals were felt to differ considerably.

'It's horrible to class somebody, to put them in that sort of bracket.'

(EO/100+/Private/Multi-site/Local office)

2.3 Employment of disabled people

2.3.1 History of disability in the workplace

After hearing the conditions that are covered by the Act, employers in the survey were asked whether or not their workplace had ever had a disabled employee. The questionnaire was structured this way after piloting had shown that respondents were sometimes saying that they had never had a disabled employee but then contradicting themselves later in the interview (at least as far as the DDA definition is concerned). By, in effect, prompting the respondent to think of the DDA's wider definition of disability, it was possible to make a better assessment of its impact on the ground. The cases studies also reflected the tendency of staff to claim never to have employed anyone who was disabled but then later recall someone with a hidden disability. This supports the finding that many conditions covered under the

DDA are not thought of as disabilities. The point was also made that employees themselves may not always acknowledge or recognise that they have a disability, either through ignorance of the condition or definition, or a reluctance to be labelled 'disabled'.

'Most people with a disability don't even know they've got it.'

(ESP/100+/Private/Single-site)

The proportion of employers involved in the survey who said that there had ever been a disabled employee at their workplace is shown in Table 2.4 below.

Table 2.4 Whether workplace ever employed disabled person by workplace size

	<i>Column percentages</i>				
	6 or fewer	7-14	15-99	100+	Total
Yes	27	36	55	90	37
No	71	62	43	10	61
Don't Know	2	2	2	0	2
<i>Base: All employers</i>	<i>825</i>	<i>534</i>	<i>484</i>	<i>177</i>	<i>2022</i>

Nearly two-fifths of employers said that there had been a disabled employee at their workplace. As expected, the largest workplaces were more likely to have ever had a disabled employee. Nine in ten workplaces with over 100 employees (90 per cent) said there had been disabled employees working at the site compared to just under three in ten workplaces with six or fewer employees (27 per cent). Workplaces in the public and voluntary sectors were also significantly more likely to have had a disabled employee (54 per cent and 59 per cent respectively) than those in the private sector (36 per cent). Within the private sector, workplaces in manufacturing (43 per cent) and agriculture, fishing and mining (44 per cent) were the most likely to have had disabled employees. Workplaces in the construction (29 per cent), transport (30 per cent) and Hotel and restaurant sectors (30 per cent) the least likely. There was no variation between workplaces whose customers were other businesses only, the general public or a mixture of both.

In order to look in more detail at the key factors behind the employment of disabled people, multivariate analysis was conducted that looked at variables that were significant at the bivariate level in a multivariate model. The results of the multivariate model showed that, when analysed together, workplace size, presence of a policy giving rights to disabled employees and awareness of Part II of the DDA were significant factors. The analysis also found that workplaces in the private sector were less likely to have had disabled employees than those in the public or voluntary sectors. Full details of the analysis conducted can be found in the Appendix B.

The case studies helped to illuminate these survey findings. Staff within the construction, transport and catering sectors often felt that the nature of their work precluded certain disabilities. It was considered impossible for someone with poor sight to drive, for example. In addition, the roles in these sectors were thought to demand a lot of physical work which, it was suggested, might be challenging for someone with restricted mobility. The environment of these jobs was felt to pose problems as well. This was either due to the constraints of space or for health and safety reasons. It was considered impossible to accommodate a wheelchair behind a bar, for example. Likewise, there was concern about employing people with certain impairments in a hazardous environment, for example, people with epilepsy in a kitchen or a chemical environment. It also was considered inadvisable to employ a disabled person on a construction site, due to the need for alert senses in order to avoid accidents.

'Building sites are lethal ... for able bodied people, so to put someone in a wheelchair would be suicide.'

(EO/100+/Private/Single-site)

The repetitive nature of manufacturing was felt to make it easier for manufacturers to employ disabled people, including people with learning disabilities.

When interpreting these findings, however, it is important to bear in mind that those companies that had been in existence longer (usually the large ones) had more employment history to draw upon. Since companies did not have records of disabled employees, both the case study and the survey interviews were dependent on the respondent recalling how many disabled staff they had had. The level of respondents' detail of knowledge varied depending on the relation of the respondent to their staff (for example, a line manager sometimes knew more about their employees' health than someone with a policy function based at Head Office). The length of service of the respondents in question also had an effect, as staff with a shorter employment history within the organisation had less experience to draw upon.

2.3.2 Circumstances of disabled employees

Employers who said there had been disabled employees at the workplace were then asked whether any of them had been disabled before starting work there. Nearly three-quarters of these employers (73 per cent) said that the workplace had taken on someone who was disabled before starting work. Case study respondents could also describe a variety of applicants who had impairments ranging from cancer to hearing problems. It is worth noting, however, that these respondents said that they had not always been aware of the health problem or impairment when people were first taken on. This was especially the case for applicants with mental health conditions.

Employers were then asked whether there had ever been somebody who became disabled after starting at the workplace, just over a third said that there had (34 per cent). As might be expected, this was particularly the case at the largest workplaces,

74 per cent of workplaces with over 100 employees said that an employee had become disabled since starting there. The issue of work-related disabilities emerged through the case study interviews. Manufacturers, and especially employers whose staff were engaged in demanding physical activity, were conscious of the fact that some disabilities can be either aggravated or brought on by work. Repetitive strain injury and the development of allergies were two conditions of concern within production and manufacturing organisations. In some of these types of companies, employees were encouraged to undergo frequent health screening, whereas in others there was a more reactive approach to employees' health with managers waiting for employees to raise any concerns with them.

2.3.3 Current disabled employees

Employers were then asked how many disabled employees there currently were at the workplace. Nearly a quarter of all employers (24 per cent) said that there was at least one disabled employee at the workplace. Unsurprisingly, the largest workplaces were significantly more likely to have disabled employees. Nearly nine in ten workplaces with 100 or more employees (87 per cent) currently had a disabled employee compared to just one in six workplaces with six or fewer employees (16 per cent). Interestingly, although large organisations often had disabled staff it was commented within the case studies that these people often filled more junior rather than senior positions. Respondents questioned whether it was as easy for disabled people as it was for their peers to progress within their organisation. It was difficult for them to assess this, however, as companies were not monitoring the disabilities of either their current employees or job applicants.

2.3.4 Disability monitoring

The lack of disability monitoring was felt to make it challenging for employers to gain a sense of overall numbers of disabled employees. Staff felt that disability issues were usually raised through employees approaching their line managers or immediate supervisors. Although some staff members within the cases studies felt that monitoring would provide useful insight into the range of impairments and possibly prompt closer consideration of potential adjustments, they were not always certain how their organisation would use the information and so it was questioned how much value it would bring. Respondents reported being generally wary of anything that entailed additional paperwork, unless there were clear benefits attached. Additionally, some were concerned about the ethics of monitoring for disability. Senior personnel, in particular, reported feeling uneasy about asking employees to disclose issues that they might feel uncomfortable about, and felt that they would welcome guidance as to how to go about monitoring in a fair and non-intimidating manner.

'The thing is it's not necessary to know sometimes. I mean I may be disabled but I may still be doing my job perfectly, and be treated as able-bodied. I don't think employers can possibly know how many disabled people they have.'

(EO/100+/Private/Multi-site/Head Office)

2.4 Policies for disabled employees and applicants

The previous survey, Stuart *et al.*, (2002), focused on employers at the Head Office level and so included a substantial number of questions about policies. As this survey focuses on employers at the workplace level it was decided that a large number of questions on policy would not be appropriate. Instead, the case studies focused on policy issues while the quantitative survey just looked at the presence of a policy at the workplace and some general statements about businesses' practices towards disabled employees.

The case studies suggested that the overall organisation size was the most influential factor in determining whether or not an organisation had formal written policies. The larger organisations tended to have some form of written policy at Head Office. Most common within the case study sample was an all-embracing Equal Opportunities Policy in which there was a general anti-discrimination clause referencing disability, usually alongside gender, race and sometimes age and social status. In Northern Ireland, religious discrimination was a bigger issue than elsewhere in the UK and many companies referenced this as well. A specialist unit had usually drafted this policy, sometimes with the assistance of external legal consultants.

There were few examples of companies with a separate disability policy or recruitment policy. The DDA had prompted a few of the larger organisations to create a separate disability policy. There were examples within the case studies of large organisations in which guidance had been produced for distribution to staff, explaining the content and implications of the DDA for the business. Few of the companies within the case study sample had made recent changes to policy but where this had been the case, it tended to have been a reactive change. There was a view within some larger organisations that more attention needed to be given to their written policy, and these companies were undertaking policy reviews at the time of the research. It was unclear whether this had been prompted by the DDA research itself or other factors.

The survey suggested that there was some generic awareness of the existence of Head Office policy within local workplaces. When employers at local workplaces were asked whether their business has a policy covering the rights of disabled employees and applicants, over half of all employers (52 per cent) said that their business did have such a policy (Table 2.5). The question did not specify that this needed to be a formal written policy so informal policies based on precedent could be included. Also, a general equal opportunity policy could be regarded by respondents as covering the rights of disabled employees and applicants, even if it did not specifically reference them.

Table 2.5 Whether business has policy covering rights of disabled employees and applicants by workplace size

	<i>Column percentages</i>				
	6 or fewer	7-14	15-99	100+	Total
Yes	39	56	71	86	52
No	51	35	23	11	39
Don't Know	10	9	5	2	8
<i>Base: All employers</i>	<i>825</i>	<i>534</i>	<i>484</i>	<i>177</i>	<i>2022</i>

As might be expected, employers at larger workplaces were more likely to say that their business had a policy than those at smaller workplaces. Just under nine in ten employers at workplaces with 100 or more employees (86 per cent) were aware of a policy, while just under two-fifths of employers at workplaces with six or fewer employees (39 per cent) were aware of one. However, smaller workplaces that were part of a larger organisation were significantly more likely to say that their business had a policy in place than those that were a single-site (64 per cent compared to 35 per cent). This would be expected as, although they may not have human resource (HR) professionals on site, as part of a larger organisation there is a greater chance that they have staff at Head Office responsible for disseminating policy.

2.4.1 Local knowledge of policy content

Even where written policies were in place at Head Office level, the case studies suggested that staff at the local workplace (even at HR level) had limited knowledge about their content and respondents usually indicated that they would need to look up the detail. Organisations with better internal communication systems (usually organisations of 100+ employees overall) had filtered disability policy information down through their intranet and tried to incorporate basic awareness into training programmes. Diversity training initiated by HR personnel was one forum for raising awareness. Staff also mentioned discussing employee rights and entitlements upon induction. Staff handbooks appeared to be one popular means of raising staff awareness of their rights and obligations, although these tended to provide practical guidance rather than referencing specific policies. Local staff felt more supported when they knew where to look for information should the need arise. Not all local staff within the case study sample felt this was the case.

As suggested by the survey findings, small, single-site organisations relied more heavily on verbal communication than any formal written policy. When questioned about an absence of formal policy, staff sometimes acknowledged that ideally they would have one but cited limited time, a lack of legal expertise, and concern for mounting bureaucracy as obstacles.

'I'm trying to do a catalogue, I'm trying to sort out sales reps, I'm trying to generate sales, I'm trying to survive, and believe me it hasn't been very easy, and I mean, the last thing I've got time for really is to start looking at a load of legislation.'

(EO/15-99/Private/Single-site)

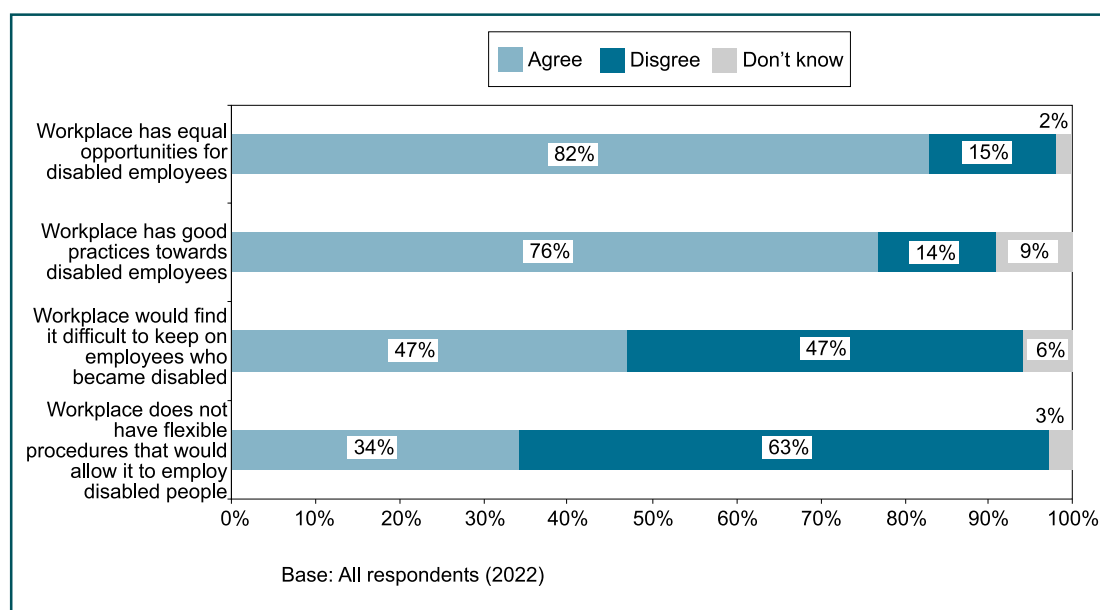
An additional deterrent was the perceived cost of employing external legal consultants. There was also a view in some smaller case study organisations that a written policy was unnecessary given the small number of employees (sometimes family members). It was generally felt by employers within small organisations that their intimate size promoted higher levels of trust and closer consultation than would be the case in a larger organisation.

2.4.2 The impact of other legislation

Within the case studies, the impact of additional legislation on employee rights was explored. Employers often alluded to Health and Safety requirements, not only as a source of protection for their employees but for them and their business as well. There was some concern among employers as to how to balance the requirements of Health and Safety regulation against the provisions of the DDA. For example, respondents may consider schizophrenia to be a potentially dangerous condition (even when drug controlled). Although the DDA discourages discrimination, these employers said that they might decide not to employ someone with schizophrenia in order to protect their customers and employees from potential harm and therefore ensure Health and Safety compliance. It was also suggested that because Health and Safety compliance is closely monitored (unlike the DDA at present) there might be more emphasis on that above the DDA.

2.4.3 Business practices

Having explored policy issues, the survey then explored business practices in relation to policy. Employers were asked how much they agreed or disagreed with a number of statements about business practices at their workplace. The results are shown in Figure 2.1.

Figure 2.1 Agreement with business statements

Just over four-fifths of employers (82 per cent) agreed with the statement that their workplace has equal opportunities for disabled employees. Nearly all employers at workplaces with over 100 employees (97 per cent) agreed with this statement, while just under four-fifths of workplaces with six or fewer employees (78 per cent) agreed. As might be expected, employers at workplaces that currently had disabled employees were also significantly more likely to agree that their workplace had equal opportunities for disabled employees (91 per cent compared to 79 per cent).

Three-quarters of employers (76 per cent) agreed with the statement that their workplace has good practices towards disabled employees. Again, it was employers at larger workplaces who were more likely to agree with this statement. Nearly all employers at workplaces with over 100 employees (98 per cent) agreed compared to seven in ten employers at workplaces with six or fewer (70 per cent). Employers at workplaces which have had disabled employees were more likely to say that their workplace has good practices (92 per cent) than those at workplaces which have never had disabled employees (66 per cent). This is to be expected, as employers at workplaces which have never had disabled employees will obviously find it harder to say what their practices would be. This is reflected in the fact that significantly more employers from workplaces which have never had disabled employees said 'don't know' to this statement (19 per cent compared to six per cent). The case studies suggested that there was a degree of uncertainty as to what constitutes 'best practice' and that practical examples would be welcome.

Nearly half of all employers (47 per cent) agreed with the statement that their workplace would find it difficult to keep on an employee who became disabled. Employers at workplaces with six or fewer employees were significantly more likely to agree with this than those at workplaces with over 100 employees (53 per cent compared to 19 per cent). This is understandable, as employers at smaller workplaces

will tend to have fewer resources with which to implement any necessary changes. Employers at workplaces where employees had become disabled were significantly less likely to agree than those where this had never happened (32 per cent compared to 49 per cent), although it is worth noting that a sizeable minority of these employers did still agree with this statement.

Just over a third of employers (34 per cent) said that their workplace did not have flexible procedures that would allow it to employ disabled people. This figure may seem quite high but the severity of disability was not specified in the statement so some employers may be considering the most extreme case that they can imagine, rather than saying that they could never employ a disabled person. This is evidenced by the fact that fewer than a quarter of employers who currently employ disabled people agreed with this statement (22 per cent). As might be expected, employers at smaller workplaces were more likely to agree that they do not have flexible procedures than those at the larger workplace (39 per cent at workplaces with six or fewer employees, compared to 16 per cent at workplaces with more than 100).

2.5 Recruitment and selection

The quantitative survey looked at employers' recruitment and selection practices. The questionnaire looked at the use of health questionnaires, proactive encouragement of disabled applicants and steps that could be taken at the workplace to assist disabled applicants. In addition to this, employers were also asked how easy it would be for them to employ applicants with various conditions at their workplace.

2.5.1 Advertising of vacancies

In order to look at whether employers encouraged disabled applicants, it was necessary to establish whether or not they advertised vacancies at their workplace. Three-quarters of employers (76 per cent) said that vacancies at their workplace were advertised either locally or nationally including with recruitment agencies or Jobcentres. All of the workplaces with over 100 employees advertised vacancies and nearly two-thirds of the smallest workplaces employing six or fewer employees (65 per cent) said they did. The case study findings suggested that whether jobs were advertised to the general public or not depended not only on policy but the perceived ease of filling the position or finding a suitable candidate. When companies knew that demand would be high for the vacant post and had established contact with a prospective pool of talent (such as a local university), word of mouth was often considered to be an adequate means of sourcing a suitable candidate. There was felt to be a greater need to advertise jobs that demanded specific, more unusual skills or experience and therefore could not be sourced internally.

Within the survey, all employers whose workplaces advertised vacancies were then asked whether they took certain steps in their job adverts to encourage disabled

applicants. They were asked whether reference was made specifically to the rights of disabled applicants, whether reference was made to an equal opportunities policy and whether the Two Ticks disability symbol is shown. The results are shown in Table 2.6 below.

Table 2.6 Policies referenced in job adverts

	<i>Column percentages</i>
An equal opportunities policy	46
The rights of disabled applicants	16
The Two Ticks disability symbol	9
None of these	44
<i>Base: All who advertise vacancies</i>	<i>1599</i>

Nearly half of employers (47 per cent) referenced one of the measures when they advertised vacancies at their workplace. The most common measure referenced was an equal opportunity policy (46 per cent), although this may not specifically cover the rights of disabled applicants. Around one in six employers (16 per cent) referenced the rights of disabled applicants in their job adverts, although this was significantly higher amongst the largest workplaces. Over half of workplaces with 100 or more employees (51 per cent) mentioned the rights of disabled applicants compared to one in ten workplaces with six or fewer employees (11 per cent). The Two Ticks symbol was used by less than one in ten employers (nine per cent), most of whom were at large workplaces (35 per cent of workplaces with 100+ employees compared to six per cent of those with fewer than 15).

There was discussion within the case studies as to what constitutes best advertising practice.

It was questioned whether or not to elaborate upon an equal opportunities statement. Some organisations chose to qualify what is meant by equal opportunities (for example that it covers race, gender, disability etc) as this was felt to add clarification. Other organisations chose not to add further explanation as it was felt that additional small print is costly and may be ignored completely for appearing unwieldy.

Some organisations preferred not to include any form of equal opportunities clause through concern that this may signal positive discrimination practices that they do not operate. There was also concern among some, usually smaller, organisations about stipulating that they are open to considering disabled applicants for fear that they may not then be able to accommodate a disabled person in a specific role. Case study participants questioned whether a disability or equality clause was necessary provided that adverts appeared in locations that were accessible to disabled people.

'By advertising there, I'm going to reach as many disabled people as there are available in the same way as I'm reaching able-bodied people. So, I'm presuming that I don't have to do too much to change the way I advertise.'

(EO/100+/Private/Multi-site/Head Office)

Case study respondents questioned whether sufficient thought had gone into ensuring that their advertisements were accessible to disabled people. The case studies also raised the issue that some organisations advertise heavily through Jobcentres or recruitment agencies and in these instances depend on these bodies not to discriminate.

'We don't really see anybody other than what the Jobcentre send to us. It may be more this type of discrimination is going on, is coming from the Jobcentres, maybe they are not giving the disabled people the chances to come for jobs.'

(EO/3-14/Private/Single-site)

2.5.2 Health information

Employers within the survey were then asked whether or not applicants to the workplace are required to give information about health and disabilities at any stage in the application process. This was in order to understand how health information was used within organisations and whether it was being used to affect selection decisions or to help make adaptations for interviewees or potential employees. Just over half of all employers (54 per cent) said that, at least sometimes, they asked for this information. As might be expected it was the larger workplaces, who will tend to have formal applicant selection procedures in place, who were more likely to ask for this information. Three-quarters of workplaces with over 100 employees asked for health information (76 per cent) compared to just over half of all workplaces with 7-14 employees (55 per cent) and just over two-fifths of workplaces with fewer than six employees (42 per cent).

Respondents who said that their workplace did, at times, request information about health and disabilities were asked if the information was used for a number of purposes. The results are shown in Table 2.7 below.

Table 2.7 Purpose of health information by workplace size

	<i>Column percentages</i>				
	6 or fewer	7-14	15-99	100+	Total
Help make practical arrangements to allow employee to do their job	85	82	84	91	85
Assess whether workplace would be suitable for the applicant	82	83	73	71	80
Assess suitability for the job	71	71	62	50	68
Monitor the composition of the workforce	63	55	57	59	59
<i>Base: All who ask questions about health/disability</i>	<i>348</i>	<i>301</i>	<i>303</i>	<i>142</i>	<i>1096</i>

Eighty-five per cent of employers said that they used the information about health and disabilities to help them make practical arrangements at the workplace, to allow the employee to do their job. There were no significant variations between subgroups for the likelihood to use health information for this purpose. Four out of five employers (80 per cent) said that they used the information to assess whether the workplace would be suitable for the applicant. Smaller workplaces were more likely to say they used the information for this reason. Over four-fifths of employers at workplaces with six or fewer employees said they used health information to assess the workplace's suitability for the applicant (83 per cent) compared to seven in ten employers at workplaces with 100 or more employees.

Just under seven in ten respondents (68 per cent) said that they used the information about health and disabilities to assess the applicant's suitability for the job. Smaller workplaces were again significantly more likely to mention this as a purpose of the health information. Seven in ten workplaces with fewer than 15 employees (71 per cent) used health information to assess the applicant's suitability compared to a half of workplaces with 100 or more employees (50 per cent). This is perhaps due to the comparative ease with which a larger workplace can accommodate a new employee with health problems due to more developed resources such as occupational health therapists. Within the case studies respondents felt that the behaviour of one member of staff (for instance, taking significant sick leave for health reasons) could have greater impact in a small organisation. Case study respondents said that it was necessary in some cases to conduct rigorous health checks in order to ensure compliance with Health and Safety regulations. To give one example, a food manufacturer said that they would be forbidden to recruit anyone to the processing factory who suffered from a contagious skin condition, as it would jeopardise the hygiene of their produce. There were examples of companies in which the Health and Safety team was consulted to ensure that a potential employee would not pose a threat to themselves or others in their benchmarked role.

'If we had someone with severe epilepsy it would not affect them being taken on but we would want to consult Health and Safety to check that they were not a danger to themselves or others.'

(ESP/100+/Private/Multi-site/Local office)

Respondents in the case studies reported that health questionnaires were usually completed at the point of making a job offer rather than at the initial stages of the application process. Staff felt that this helped to eliminate discrimination. There was a view that this has changed over time as companies have become more aware of equality issues. Nevertheless, this also raised an interesting dilemma: is it better to know about someone's disability prior to interview so that adequate provision can be made? Some companies had tackled this issue by inviting applicants to disclose a disability in an application form and asking 'Do you have any special requirements for interview?' It was suggested that some applicants still might be unwilling to disclose this information for fear of being discriminated against. This could suggest that it is better for companies to ask applicants about adjustments only after having offered them an interview, however, case study staff said that it could be important to know that someone had a disability at application stage in order not to discriminate against them. One such example was of a manager who said that his organisation would normally discard a badly worded application form with mistakes unless an applicant was known to have dyslexia in which case the organisation would be more likely to make allowances for this.

Managers had numerous examples of disabled applicants who had chosen not to disclose them at application stage.

'Managers do get a bit concerned and upset because they send out the application form and people don't actually say that they've got an issue and I think that might be because people fear that it's going to be held against them.'

(EO/100+/Private/Multi-site/Local office)

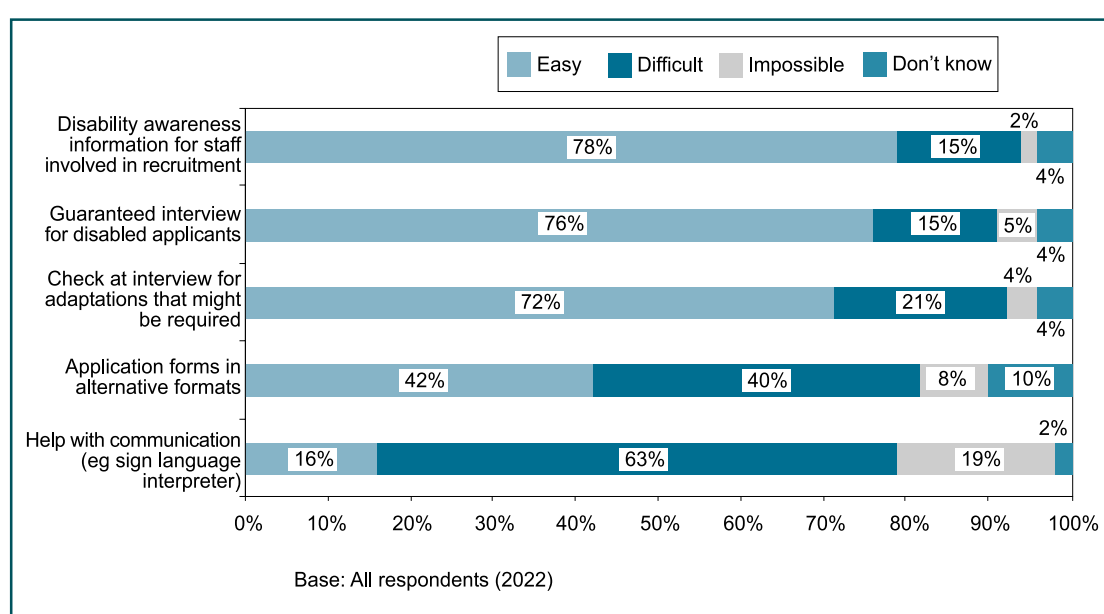
The failure to disclose disabilities was viewed with concern, not only because it was felt to signal a sense of mistrust of companies' recruitment processes, but also because it was considered potentially dangerous at times. One food retailer gave the example of a girl who did not disclose a peanut allergy in her application form and when working in close proximity to nuts, experienced anaphylactic shock. It was, therefore, felt that some applicants ought to have a duty to disclose disabilities that may impact on their work or the people around them.

Managers felt that they would welcome guidance and advice about best practice in relation to recruitment. It was suggested that the best approach may be to treat disability as a standard consideration from the outset as this would signal that the organisation is used to disabled applicants and open to discussion about potential adjustments.

2.5.3 The ease of making adjustments to the application process

Part II of the DDA makes it unlawful for an employer to discriminate against a disabled person 'in the arrangements which he makes for the purpose of determining to whom he should offer employment'. Employers were asked how easy it would be to take certain steps to assist disabled job applicants. These questions were posed hypothetically in order to gauge how easily these steps could be made in future, if not already taken. The results are shown in Figure 2.2.

Figure 2.2 How easy it would be to help disabled job applicants



Providing disability awareness information for staff involved in recruitment was regarded as easy to do by nearly four-fifths of employers (78 per cent). Employers in the smallest workplaces were the least likely to regard it as easy although, even amongst them, only four per cent thought that such a measure would be impossible. Just over seven in ten employers at workplaces with fewer than six employees (73 per cent) said it would be easy to provide disability awareness information to staff, while nearly all employers at workplaces with more than 100 employees (95 per cent) said this would be easy.

Perhaps surprisingly, over three-quarters of employers (76 per cent) said that they would find it easy to guarantee disabled applicants an interview. This of course is not the same thing as guaranteeing a job to a suitable disabled applicant, but nonetheless is an encouraging result. There was one case study organisation that was considering a written policy that guaranteed anyone with a disability an interview.

'We're trying to develop a guaranteed interview scheme whereby anybody who says they have a disability and who meets the criteria for the job will be guaranteed an interview.'

(ESP/100+/Public/Multi-site/Head office)

Larger workplaces were slightly more likely to say this would be easy. Just over four-fifths of workplaces with 100 or more employees said that this would be easy (83 per cent) compared to just over seven in ten workplaces with six or fewer employees (73 per cent).

A slightly smaller proportion of employers (72 per cent) said that it would be easy to check at the interview stage whether the applicant would need any adaptations or adjustments if appointed. This seems a small proportion given that employers were just being asked if they could check information from the applicant. However, this may simply reflect the fact that some employers were thinking about the ease of making any changes rather than simply enquiring about changes that might be necessary. Again, employers at larger workplaces were more likely to say that this would be easy for them to do. Over nine in ten workplaces with 100 or more employees (91 per cent) said that it would be easy to check for adaptations that may be required compared to just over two-thirds of workplaces with six or fewer employees (67 per cent).

Just over two-fifths of all employers (42 per cent) said that it would be easy for them to provide application forms in alternative formats. Among the larger employers this was significantly higher. Over three-fifths of employers with 100 or more employees said they could provide application forms in alternative formats (62 per cent) while two-fifths of employers at workplaces with fewer than 15 employees said they could (41 per cent).

Providing help with communication, such as a sign language interpreter, was something that very few employers felt they could do easily (16 per cent) and nearly a fifth (19 per cent) thought that this would be impossible. It was suggested within the case studies that the time it can take to book an interpreter (sometimes a couple of weeks) might also prejudice a potential candidate, as not all employers may be willing to wait.

Overall, the findings from the case studies suggested that companies had not given a lot of consideration to the potential adjustments that could be made to assist disabled people through the application and interview process. This was acknowledged to be a potential area for improvement. Most companies within the case study sample had made accommodations reactively, once applicants had disclosed disabilities rather than open up a dialogue offering to make adjustments from the outset.

Senior staff interviewed within the cases studies commented that recruitment personnel still had some anxieties about what they should and should not ask in interview in relation to disability and would benefit from further training about how to ask an applicant about their requirements. The case studies revealed examples of employers who had best practice guidelines in place, recommending that applicants be asked whether they need any adjustments for interview. However, not all employers followed this practise.

'It [recruitment guide] explains what is good for equality purposes ... so if someone calls up for an interview, on our application form it asks if they have any disabilities and could they let us know so we can make adjustments for the interview.'

(ESP/100+/Private/Multi-site/Head office)

2.5.4 Work experience

The research asked companies about work placements for disabled people as it was felt that experience might be an important way in which to increase one's employability. It was not always considered easy to take on disabled people for work placements. The larger organisations within the case study sample, usually those with established links with disability organisations, offered greater opportunities than the smaller ones. However, it was sometimes recognised that companies could be doing more to actively forge links with organisations and offer work experience programmes

2.5.5 Staff training

There appeared to be little by way of consistent, ongoing training for line managers in relation to disability. Training programmes tended to be more customer- or role-focused and not much attention given to employees' rights. There were, nevertheless, numerous examples of individual staff having been trained to help disabled colleagues. The provision of this kind of training had often been contingent on a line manager to recognise the need for it and then act accordingly. Line managers had not always been fully trained to enquire about employees' health needs and so a lot of what was happening in practice depended on the personality and competence of the individual in question.

2.5.6 The ease of accommodating specific disabilities

Employers were then asked how easy they believed it would be to employ people with certain conditions at their workplace. This was in order to explore how easy employers perceived it to be to accommodate specific disabilities and why. In total, employers were asked about 11 different conditions which can be covered by the Act. This did not attempt to cover all conditions that might be covered under the DDA but rather a cross-section of different conditions in order to explore how different conditions were perceived. The survey results for each condition are shown in Table 2.8.

Table 2.8 How easy it would be to employ someone with a disability

	Column percentages			
	Easy	Difficult	Impossible	Don't know
Wheelchair user	31	39	29	1
Arthritis	42	48	9	2
Facial scarring	90	9	1	1
Profound deafness	24	62	13	1
Impaired vision	8	62	30	1
Learning difficulties	38	51	8	3
Clinical depression	47	44	4	4
Schizophrenia	18	58	15	9
Severe stammer	52	43	3	2
Parkinson's disease	29	53	8	10
Epilepsy	52	36	9	4

Base – All respondents

Weighted base – 2022

The results indicate that employers feel that it is difficult to employ somebody with a disability. With the exception of severe facial scarring, a significant proportion of employers felt that it would be difficult or impossible to employ someone with any of the conditions described.

Firstly, employers were asked how easy it would be to employ someone **who needed to use a wheelchair**. Three in ten employers (31 per cent) felt that it would be easy to employ somebody who needs to use a wheelchair but two-fifths (39 per cent) thought it would be difficult. Three in ten (29 per cent) thought it would be impossible to employ such a person. The greatest barrier to employers accommodating wheelchair users in the case study research was either the role in question or the nature of the workplace. Certain jobs (such as working behind a bar) were thought to demand a particular level of physical activity which, it was felt, would preclude wheelchair users. Some offices and work environments were acknowledged as having poor access and it was not always considered easy to adapt them, especially when the building was listed or leased them from a third party. The cost of making adaptations also played a part in decision-making and will be discussed later on.

'There are certain jobs that people in wheelchairs just wouldn't be able to do ... Some counters are so deep or high that they would not be able to work there.'

(ESP/100+/Private/Multi-site/Local office)

A person who has **arthritis** that can at times severely limit physical ability was considered easy to employ by just over two-fifths of employers (42 per cent), yet

nearly half (48 per cent) said that someone with the condition would be difficult to employ and one in ten (nine per cent) thought that it would be impossible. The case studies corroborated this finding, although it was commented that a lot would depend on the role in question and the way in which someone's arthritis affected them.

Of all the conditions mentioned, someone with **severe facial scarring** was considered to be easy to employ by the highest proportion of employers. Perhaps this is because this condition was most unlikely to be acknowledged as a disability (just eight per cent regard it as a disability). Nine in ten (90 per cent) employers said someone with this condition would be easy to employ, nine per cent thought it would be difficult and just one per cent thought it would be impossible. Nevertheless, some organisations admitted a reluctance to employ someone with facial scarring or physical disfigurement in a sales or public-facing role for fear of diminishing the brand image. There was also concern to protect staff from members of the general public who may be rude or make them uncomfortable if they were in a public-facing role.

'Somebody I would say who has a severe disfigurement is something where I'd put them in an office environment where people are used to them, and can cope with it.'

(ESP/15-99/Private/Single-site)

A person who is **profoundly deaf** was felt to be amongst the most difficult person with a disability to employ, with only a quarter (24 per cent) of employers considering someone with this condition easy to employ and over three-fifths (63 per cent) saying it would be difficult to employ someone with this condition, and one in eight (13 per cent) saying it would be impossible. Staff interviewed within the case studies suggested that people with severe hearing impairment would struggle in a communication role and felt that this significantly narrowed down their options. Not much spontaneous consideration was given to possible alternative means of communication and this will be further explored in the section about reasonable adjustments. There was an example in one organisation of someone who had been appointed to a call centre via a recruitment agency. The call centre manager had turned him away assuming that his hearing impairment would prevent him answering the phone. The individual had then accused the organisation of discrimination as he said that he had made reference to adjustments that would enable him to perform the role. The organisation had admitted liability and settled out of court.

Someone with **severely impaired vision** was also thought by the majority of employers to be difficult to employ. They were also most likely to be considered 'impossible' to employ. Only eight per cent of employers felt someone who has severely impaired vision would be easy to employ, over three-fifths (62 per cent) thought it would be difficult to employ someone with this condition and three in ten (30 per cent) said it would be impossible. Case study interviews showed that severely impaired vision was felt to have a significant impact on a person's ability to carry out

most roles, physical or desk based. There was concern about the risk that the environment might also pose to a sight-impaired person as well (also mentioned in relation to deafness). Not all employers felt that their premises were hazard free. Nevertheless, there were examples of companies that had employed people with severe visual impairment and it was commented that recent technological advances render accommodation easier, although it was also questioned whether new technology is advertised widely enough.

Over half of employers thought that it would be difficult or impossible to employ someone with **learning difficulties**. Under two-fifths (38 per cent) felt it would be easy to employ somebody with learning difficulties, half (51 per cent) considered it would be difficult and eight per cent thought it would be impossible. Most staff interviewed within the case studies felt that whether they could accommodate someone with a learning disability depended on the nature of the work. There was a perception that candidates with learning disabilities would cope well with repetitive and manual tasks but that it would be inappropriate to place them in jobs which demanded multi-tasking or complex subject matter. The ability of companies to accommodate applicants was, therefore, often felt to be dictated by how many manual jobs they had within the organisation. Most roles within the case study organisations were felt to demand some multi-tasking and this may explain the difficulty personnel had in the survey envisaging how they would accommodate someone with a learning disability.

A person with **clinical depression** was considered easy to employ by just under half of employers (47 per cent), however 44 per cent felt that it would be difficult to employ someone with this condition and four per cent thought it would be impossible. Some case study respondents also voiced apprehension about employing someone with depression. The main concern appeared to be the amount of absence an employee with depression may need to take off and how this might impact on fellow staff. This was felt to be of particular consideration the more demanding the role and the smaller the organisation's number of employees. One director acknowledged that he would probably favour someone who did not have depression over someone who did in a sales role, since he considered liveliness and 'spark' to be key attributes of a potential candidate.

Someone with **schizophrenia** was considered by the majority of employers to be difficult or impossible to employ. Just 18 per cent of employers thought that someone with the condition would be easy to employ, nearly three-fifths of employers (58 per cent) felt that it would be difficult and 15 per cent thought it would be impossible to employ them. This finding is surprising given that schizophrenia can be controlled with medication and therefore not require any physical adaptations to the work environment. Given such a high proportion of employers would consider it difficult or impossible to employ someone with this condition suggests that little is understood by employers about the condition. Certain members of staff interviewed within the case studies expressed personal concerns about employing someone with schizophrenia because they had heard stories in the media of people

with schizophrenia becoming violent and hurting others. This would also suggest that schizophrenia sometimes carries a stigma and this may impact on an employer's willingness to accommodate someone who has openly disclosed the condition.

'Schizophrenia, I don't think that's ... You're not going to employ somebody, certainly not dealing in a public capacity.'

(ESP/15-99/Private/Multi-site/Local office)

However, the opposite view was also expressed:

'There's a lot of prejudice around mental illness. Government has a role to play in educating away these prejudices and misconceptions. We've done quite a lot for people with physical disabilities but not enough in terms of tailoring jobs for people with mental illnesses.'

(ESP/100+/Public/Multi site/Local office).

Over half of employers (52 per cent) thought that someone with a **severe stammer** would be easy to employ, just over two-fifths (43 per cent) felt they would be difficult to employ and three per cent thought it would be impossible to employ them. Case study interviews suggested that the main challenge with this type of impairment was felt to be how it impacted on someone's ability to communicate. Employers suggested that it would not be appropriate to offer someone with a speech impediment a customer-facing role but that they could be given a back office role more easily.

'Speech impairment ... depending on how severe it is, because if you think about the fact we're a retail, customer-facing businesses, that could have an impact on a face-to-face customer role.'

(ESP/100+/Private/Multi-site/Head office)

Someone with **Parkinson's disease** was considered to be easy to employ by three in ten employers (29 per cent), over half felt that it would be difficult to employ them and eight per cent thought it would be impossible. Staff interviewed in the case studies had some concerns about employing a person with a progressive condition for fear that they may have to keep making more and more accommodations. They felt it would be difficult to know when it was 'reasonable' to stop.

'The difficult one will be the progressive illness such as cancer, multiple sclerosis, Alzheimer's disease and the path of Alzheimer's can be really short or very long.'

(ESP/100+/Public/Multi-site/Local office)

Finally, employers were asked how easy it would be to employ someone with **Epilepsy**. Over half (52 per cent) thought a person with this condition would be easy to employ, just over a third (36 per cent) thought it would be difficult and nearly one in ten (nine per cent) felt it would be impossible. Case study personnel usually said that provided that the condition was drug-controlled they could not envisage too many limitations apart from certain roles which were felt to be unsuitable for

someone with epilepsy, due to the risk it may pose to them. One such position was anything involving dangerous electrical equipment (for example a kitchen-based role). There were examples of employers moving people who had experienced epileptic fits into back-office positions away from potential hazards. It was sometimes questioned what someone with epilepsy should and should not be allowed to do. For example, one food retailer had told someone that because of their epilepsy it was inappropriate for them to work at the checkout because of the potential for the lighting to provoke a fit. The individual in question (whose condition was controlled with drugs and who had not experienced a fit in three years) had complained that this was discriminatory.

It is noticeable that employers are more likely to feel that it would be impossible to employ somebody who has a condition that directly impacts on their *physical* ability than someone who has a disability that does not. Nearly three in ten employers (29 per cent) felt it would be impossible to employ somebody who needs to use a wheelchair and a similar proportion (30 per cent) felt it would be impossible to employ someone with severely impaired vision. This compares to just one per cent of employers who thought it would be impossible to employ someone with severe facial scarring and three per cent who felt it would be impossible to employ someone with a severe stammer.

There are also some interesting trends amongst the subgroups in relation to respondents' perceptions of employing disabled people. Larger employers (at workplaces with 100+ staff), those that have employed disabled people, and the voluntary sector were most likely to consider that it is easy to employ disabled people.

For all 11 conditions mentioned, employers at workplaces with 100+ staff were more likely to feel that it would be easy to employ people with that condition than smaller employers (fewer than 100 staff). For example, 62 per cent of larger workplaces felt that it would be easy to employ someone who has learning difficulties compared to 38 per cent of smaller workplaces. Case study evidence suggested that because large organisations did not always recruit to a specified role this could afford them greater flexibility than smaller organisations in creating a role for someone. The point was also made that larger organisations tend to have a broader range of jobs, making it easier for them to accommodate a wider variety of people.

'I think that a lot of it comes down to size because in a large organisation there are a lot more opportunities for people to move into.'

(ESP/100+/Private/Multi-site/Local office)

Not surprisingly, workplaces which have in the past employed or currently employ disabled people were more likely to feel that it is easy to employ a person with a disability. For example, one in seven (14 per cent) employers who currently employ disabled people feel that it is easy to employ someone with severely impaired vision compared to just five per cent of employers who do not currently employ disabled people.

Of the three employment sectors, the voluntary sector was most likely to consider that it is easy to employ someone with a disability. As mentioned earlier, voluntary sector employers will comprise a relatively high proportion working with disabled people and related matters, so this finding is not surprising.

Overall, the case studies indicated that the ease with which an organisation could employ someone with a disability depended on a number of factors. First, the nature of the organisation appeared to be key as this dictated the range of jobs available and the diversity of the roles in question. Secondly, the requirements of the role an organisation was recruiting to were felt to be key. There were some roles felt to demand a minimum level of mobility, communication, comprehension or interpersonal skills which was felt to eliminate certain disabilities. This issue points to the importance of job descriptions in helping disabled applicants to determine whether or not they have the capacity to perform a specific role. Not all companies had job descriptions in place or made explicit job descriptions available at application stage. Lastly, staff's personal views and prejudices clearly also had a bearing on how willing they would be to accommodate someone with a disability. As seen in relation to some mental health conditions, personal prejudice could have an influence.

Some staff members interviewed within the case studies felt that more effort is currently made to accommodate existing employees who became disabled than to embrace disabled applicants. This could be driven by a number of factors, including:

- the value placed on current employees in terms of their skills and abilities (especially where employees were well known and liked);
- a fear of the implications of current employees taking legal action. (It was felt that current employees would also have a stronger legal case against an employer than a job applicant);
- the considerable cost of replacing an employee (especially in the case of highly skilled and experienced individuals).

'I mean, I suppose in truth, if somebody came in for an interview and said 'I'm depressed', right, they wouldn't get the job because basically you want somebody sparky and, you know? If somebody had worked for you well and then had a bout of depression and one thing and another, then okay, we'd treat it like any other illness.'

(ESP/15-99/Private/Single-site)

It was commonly suggested within the case studies that if a disabled person had the best skills for the job that they would be the preferred candidate. However, some employers admitted that if there were two candidates displaying equal skills then the disabled person would probably be rejected in favour of the alternative candidate. There was additional concern about exercising positive discrimination in favour of someone who is disabled.

'If you had two people who were otherwise identical and one was disabled and one wasn't, it would be difficult to make a choice wouldn't it? Because on the one hand if you chose the able person you fear being accused of disability discrimination, and on the other hand, if you chose the disabled person ... you'd feel you were doing it for the wrong reasons...'

(EO/100+/Private/Multi-site/Head office)

There was an expectation amongst some case study respondents that disabled employees would be less productive than their counterparts and this was felt to deter some employers from taking on disabled staff.

'The honest truth is retail is very tight at the moment, budgets are very tight and if you have got someone who is going to be working who is not going to be producing the same output as somebody else the store will certainly be grateful if they get some funding at the very least.'

(ESP/100+/Private/Multi-site/Head office)

The issue of productivity also raised an interesting additional issue. Some organisations had provisions in place whereby disabled employees could be set lower productivity targets where necessary. However, in some other organisations where there were disabled employees who were less productive than their colleagues, this was not taken into account. This, therefore, meant that local managers were effectively penalised by the fact that they had disabled staff because no allowance was being built in for their staff's lower productivity when judging their local branch's performance. It could be argued that this might deter local managers from employing disabled staff, although there was not enough evidence to either refute or support this within the case studies.

2.5.7 Seeking advice

All employers were asked whether they had ever sought advice on any aspect of employing disabled people, this could include advice about making physical adjustments to the workplace or advice about legal requirements. This was in order to identify both how easily people had found information and what the areas of uncertainty were. A fifth of employers (20 per cent) said they had sought advice. Employers at larger workplaces were more likely to say they had sought advice, 68 per cent of employers at workplaces with 100+ employees compared to 13 per cent of those with six or fewer employees. As might be expected workplaces that have had disabled employees were more likely to have sought advice, 36 per cent compared to 10 per cent of workplaces that have never had a disabled employee.

Employers who said they had sought advice on employing disabled people were then asked from where they had sought advice. A fifth of employers (20 per cent) had sought advice from within the business, either from Head Office or from other colleagues at the workplace. Just under one in five employers (17 per cent) said they had sought advice from a Jobcentre. The next most common sources of advice were local or planning authorities (13 per cent) and specialist consultants (12 per cent).

The case studies contained examples of people who had sought information about specific conditions. They had often contacted named organisations for this purpose (for example The National Society for Epilepsy) for more detailed information and guidance in order to understand a condition. The internet was found to be a useful tool for searching for information of this kind. Employers commented that it would be useful to receive guidance on the types of adjustment they might consider implementing for specific conditions. Individuals who had referred to the DDA guidance notes found these helpful and welcomed practical examples of solutions.

2.6 Adjustments at the workplace

Part II of the DDA requires that reasonable adjustments be made to help disabled employees at the workplace. To ascertain this, employers at workplaces where there had ever been a disabled employee were asked whether a number of adjustments were in place to specifically help disabled employees. After being read the list, employers were then asked if there was anything else at the workplace specifically to help disabled employees. The results are shown in Table 2.9 below.

Table 2.9 Adjustments at the workplace

	<i>Column percentages</i>
Car parking space for disabled employees	56
Flexible working time or varying hours for disabled employees	55
Adapted work environment to help disabled employees (e.g. adapting premises, furniture, lighting)	42
Flexible work organisation (e.g. transferring people to other jobs, rearranging work duties)	35
Transferring people or jobs to other premises to assist disabled employees	15
Providing appropriate physical assistance (e.g. interpreters for a person who is deaf)	12
Allowing working from home for disabled employees	12
No adjustments in place for disabled employees	17
<i>Base: All where there have ever been disabled employees</i>	<i>835</i>

Nearly three-fifths of all workplaces which have ever had disabled employees (56 per cent) said that they provided car parking spaces for disabled employees. The larger workplaces were significantly more likely to say that they did this. Over four-fifths of workplaces with 100 or more employees (84 per cent) provided car parking spaces, compared to nearly half of workplaces with fewer than 15 employees (47 per cent). Workplaces whose customers were 'other businesses only' were more likely to say that they had this provision than those who dealt with the general public (68 per cent compared to 53 per cent). This may be due to the fact that workplaces that deal

solely with other businesses tend to have larger numbers of employees and so have larger premises which they can allocate to car parking spaces for disabled employees. Employers who were aware of Part II of the DDA were also more likely to have this in place (61 per cent compared to 44 per cent) as were those who currently had disabled employees (59 per cent compared to 47 per cent).

A similar proportion of employers (55 per cent) said that they had flexible working time to help disabled employees. Larger workplaces were slightly more likely to do this. Three-quarters of workplaces with 100 or more employees (75 per cent) said they had flexible working time, two-thirds of workplaces with 15-99 employees (67 per cent) also said they did this, as did nearly half of the smallest workplaces with six or fewer employees (47 per cent). Workplaces in the public sector were more likely to offer this than those in the private sector (78 per cent compared to 50 per cent). Employers who were aware of Part II of the DDA were also more likely to say that their workplace had flexible working time (58 per cent compared to 48 per cent), as were those who currently had disabled employees (61 per cent compared to 46 per cent).

Just over two-fifths of employers (42 per cent) who have had a disabled employee said that there was an adapted work environment at their workplace. The largest workplaces were again more likely to have this adaptation in place. Just under three-quarters of workplaces with 100 or more employees (74 per cent) had an adapted environment while just under three in ten workplaces with six or fewer employees (29 per cent) had this in place. Workplaces in the public sector were significantly more likely to have an adapted environment for disabled employees than those in the private sector (68 per cent compared to 37 per cent).

Around a third of employers who have had disabled employees (35 per cent) said that their workplace had a flexible organisation that allowed employees to be transferred to other jobs, or work duties to be re-arranged. There was some difference between the small and very small workplaces, a fifth of those with six or fewer employees (20 per cent) had flexible work organisation compared to nearly a third of workplaces with seven to 14 employees (32 per cent). Workplaces with 100 or more employees were the most likely to say they had a flexible work organisation (82 per cent). Employers who were aware of Part II of the DDA were more likely to say their workplace had a flexible organisation (39 per cent compared to 24 per cent) as were those who currently have disabled employees (40 per cent compared to 23 per cent). Unsurprisingly, employers at workplaces that were part of a larger organisation were also more likely to say that they could be flexible in transferring jobs and roles (46 per cent compared to 24 per cent). As mentioned before, smaller companies generally considered themselves to be more constrained due to the limited number of staff and magnified impact of one employee's behaviour on his/her colleagues. Over half of employers at public sector workplaces (54 per cent) said that they had a flexible work organisation compared to three in ten of those in the private sector (31 per cent). The case studies found that dedicated staff within the public sector organisations also recognised that they were covered by the DDA and felt themselves to have a moral obligation to comply.

'I'd know that as a public authority that we have clear responsibilities under the Act but also, I think, there is moral responsibilities as a large recognised servants of the public.'

(ESP/100+/Public/Multi-site)

There were a number of examples within the case studies of disabled people being given flexible working hours and allowed to work part time. Employers tended to feel themselves under obligation to try and accommodate a current employee in an alternative role should they become incapable of performing their current job.

'If they can obviously offer him alternative employment, that's the first option they got to take, before they terminate anybody, we got an agreement, you've got to see if there is alternative employment they can take.'

(ESP/100+/Private/Single-site)

The Working Time Directive was felt to have promoted greater flexibility towards employees and it was felt that this might also have had an impact in encouraging employers to consider alternative working patterns. One organisation had been considering ways in which to transfer manual labourers (who would usually take early retirement) into more office-based positions. This issue was also discussed in relation to older employees who may want to continue in work beyond the standard retirement age but downscale their hours or adjust to a gentler role. There was a feeling that greater flexibility to accommodate an ageing workforce may also impact on disabled employees.

Transferring people or jobs to other premises was possible at 15 per cent of workplaces that have ever had a disabled employee. Again, the largest workplaces were more likely to say that they had this adjustment in place (54 per cent of workplaces with 100+ employees). The case studies suggested that it was easier for larger companies because they had numerous branches, unlike small organisations which sometimes only had one workplace. Workplaces whose customers included members of the general public were more likely to be able to transfer jobs between premises than those whose customers were other businesses only (seven per cent compared to 17 per cent). Again, employers who were aware of Part II of the DDA were more likely to say that their workplace transferred jobs to other premises to assist disabled employees (20 per cent compared to five per cent). Employers at workplaces in the public sector were also more likely to say that they transferred jobs to assist disabled employees than those in the private sector (32 per cent compared to 13 per cent).

Just over one in ten employers at workplaces which have ever employed someone with a disability (12 per cent) said that they provided physical assistance for disabled employees. As might be expected, the largest workplaces were the most likely to say they provided this adjustment (37 per cent of workplaces with 100+ employees). Very few of the smaller workplaces said they provided physical assistance to disabled employees (six per cent of workplaces with six or fewer employees). Workplaces which were part of a larger organisation were also more likely to provide this

adaptation than single-site enterprises (19 per cent compared to seven per cent). Once again, employers at workplaces in the public sector were more likely to offer this adjustment than those in the private sector (35 per cent compared to nine per cent).

A similar proportion of employers (12 per cent) said that they allowed disabled employees to work from home. Employers at larger workplaces were again more likely to say they had this adjustment for disabled employees but the differences were not as large as for other adjustments. Nearly three in ten workplaces with 100 or more employees (29 per cent) allowed disabled employees to work from home compared to nearly one in ten employers at workplaces with six or fewer employees (eight per cent). This could be due to the fact that larger workplaces routinely allow employees in general to work from home, so this is not a specific adjustment for disabled employees. The case studies suggested that whether provision could be made for people to work from home depended largely on the nature of the role. It was felt that some jobs tied employees to the workplace. Manufacturing and catering roles, for example, were felt to afford less flexibility than computer-focused ones.

Nearly one in five employers at workplaces who have ever had disabled employees (17 per cent) said that they did not have any adjustments in place specifically to help disabled employees. As might be expected, smaller workplaces were more likely to say they had no adjustments in place. Nearly a quarter of workplaces with six or fewer employees (23 per cent) had no adjustments compared to just two per cent of workplaces with 100 or more employees. The lower level of familiarity of the DDA and its terminology among smaller companies compared to large ones might partly explain this result. Some employers had made changes for individuals but did not immediately recall them or think of them in the light of 'reasonable adjustment' as set out by the Act.

A multivariate analysis was carried out that looked at the characteristics of workplaces which had any adjustments planned or currently in place to assist disabled employees. The results of the multivariate model showed that, when analysed together, workplace size, presence of a policy giving rights to disabled employees, awareness of Part II of the DDA and whether employers currently have disabled employees were not significant factors in having adjustments in place. However, whether or not the workplace had ever sought external advice on the employment of disabled people was a significant factor in the multivariate model. Full details of the analysis conducted can be found in Appendix B.

2.6.1 Changes at workplaces with disabled employees

All employers who have had disabled employees at their workplace were then asked whether they had to make any changes to the workplace or working practices. This section, unlike the previous one, therefore, focused on changes that had to be made in practice rather than adjustments that were already in place. Just over a quarter of these employers (28 per cent) said that they did have to make changes. Perhaps

surprisingly, employers at smaller workplaces were less likely to say they had to make any changes. Only a fifth of employers at workplaces with fewer than six employees (19 per cent) needed to make any changes, while nearly two-thirds of employers at the workplaces with 100 or more employees (65 per cent) needed to make changes. Employers who currently have disabled employees were more likely to say that the workplace required changes than those who only had disabled employees in the past (33 per cent compared to 17 per cent). Employers who were aware of Part II of the DDA were slightly more likely to have made some changes, although the difference was not statistically significant (30 per cent compared to 23 per cent). As mentioned earlier, respondents within the case studies often mentioned physical adjustments and only later recalled other subtle, yet effective, changes. Some staff had a broad definition of reasonable adjustment however.

'The disabled have the same rights to access goods and services and this doesn't mean simply suddenly flooding our network with ramps. They can get our services in another acceptable form, whether that's by internet or telephone or whatever facility their disability can cope with and that requires us to provide interpreters, for example ... sign language.'

(ESP/100+/Private/Multi-site/Head office)

Some examples of changes that had been made by organisations interviewed within the case studies were as follows:

- Equipment:
 - Hearing loops for employees with reduced hearing.
 - Computer equipment for employees with limited dexterity or poor eye sight.
 - Replacement chairs for employees with back problems.
 - Adjusted counters/tills for wheelchair users.
- Environmental adjustment:
 - Lights on equipment and pagers for people with hearing difficulty.
 - Fluorescent tape around lights/paint around corners and edges for employees with poor sight.
 - Clearer signage.
 - Lifts for wheelchairs.
 - Accessible toilets.
- Working patterns:
 - Working at home (where possible).
 - Flexible shifts.
 - Change to work roles.
 - Alternative means of communication/assisted communication.

- Emotional support:
 - Mentoring for people with learning disabilities (sometimes co-workers from external agencies);
 - Counselling for employees with depression/work-related stress.

'We've had people come back who have suffered from stress and depression, we've arranged for additional training to be provided for them and support from the Support and Living Team.'

(ESP/100+/Private/Single-site)

The case studies showed that many of these changes had been made reactively following an employee request on an ad-hoc basis rather than as a result of mainstreaming. This was because it was deemed more cost effective to look at individual cases. However, some changes (such as flexible working and emotional support) were already in place and considered part of the organisation's culture.

It was suggested by some respondents that it would be helpful to have someone visit the location and give practical advice on potential adjustments.

'Perhaps somebody coming to visit and explaining it in layman's terms then, would be handy and perhaps somebody who could look around your business and say well actually you would need to change this.'

(ESP/3-14/Public/Single-site)

Employers who said that they had to make changes to their workplace or working practices to assist disabled employees were asked a series of questions about what was involved in making these changes. First, they were asked how easy it was to make the changes. The results are shown in Table 2.10 below.

Table 2.10 Ease of making changes to the workplace

	Column percentages
Very easy	33
Quite easy	39
Neither easy or difficult	14
Quite difficult	11
Very difficult	3
Easy	72
Difficult	14
Base: All who made changes to the workplace	273

2.6.2 Ease of making changes

Nearly three-quarters of employers who had made changes to their workplace or working practices (72 per cent) said that these changes were easy, and within this a third of employers said that the changes were very easy to make. Employers at workplaces in the private sector were significantly more likely than those in the public sector to say that making changes was easy (76 per cent compared to 53 per cent). One in eight employers (14 per cent) said that the process of making changes to the workplace or working practices had been difficult. Employers who were aware of Part II of the DDA were less likely to say that making the changes was easy (68 per cent compared to 85 per cent), perhaps indicating that these employers made bigger changes to the workplace in response to the legislation. Employers at the smaller workplaces were no more likely to say that they found the process of making the changes difficult than those at the larger workplaces. These findings may reflect the case study finding that some of the larger adjustments had been undertaken within a general refurbishment programme and so posed no significant additional effort.

2.6.3 The role of cost

Employers were also asked whether there was a direct cost incurred for the changes to the workplace. Over two-thirds of employers (68 per cent) said that there was a direct cost for some of the changes to the workplace. These employers were then asked to estimate how much these adjustments had cost the workplace in the last 12 months, excluding grants or other income from third parties. The results are shown in Table 2.11.

Table 2.11 How much adjustments cost the workplace in the last 12 months

	<i>Column percentages</i>
Nothing	19
£1 - £99	5
£100 - £499	12
£500 - £999	14
£1,000 - £4,999	19
£5,000 - £9,999	9
£10,000 and over	4
Don't know	18
<i>Base</i>	<i>196</i>

Base – Employers who made changes and stated they incurred a direct financial cost

Weighted base – 142

Unweighted base – 196

Nearly a fifth of employers (19 per cent) said that the changes had not cost the workplace anything in the last 12 months. A similar proportion (18 per cent) said they did not know what the total cost for the workplace had been. Nearly a third (31 per cent) said that the total cost for the workplace had been less than a £1,000 and a fifth said that the changes had cost between £1,000 and £4,999. Just over one in ten employers said that the changes had cost the workplace in excess of £5,000. The decision about whether or not to pay for adjustments was usually made at Head Office level within our case study sample. Line Managers sometimes also took it upon themselves although in these instances the cost was usually minimal.

The cost of making adjustments was of concern to employers, especially small ones. It was felt that certain adjustments could be expensive. This was especially the case in relation to installing wheelchair lifts, ramps and accessible toilets which it was felt could all entail considerable building work.

There was concern expressed by one respondent that the tightening of legislation may work to the detriment of disabled people as it could deter small companies from even attempting to take on disabled applicants for fear of being forced to spend large amounts of money on adjustments. Some of the comments made by staff suggested that, in small and medium sized organisations especially, this was a valid concern:

'If somebody said 'I've got a bad back, I need a special chair'; 'I've got poor eyesight, I need a special screen'; 'I've got poor eyesight I need some special software' or 'I need a special phone' ... that wouldn't phase me at all but there we're talking a couple of hundred quid for somebody who can do the job ... When you start talking about when we've got to seriously alter the building, or the design, or something which is going to cost thousands of pounds then it has to be a factor, just on the economics of employing that sort of person.'

(EO/15-99/Private/Single-site)

Even large case study organisations considered themselves to have financial constraints, in spite of some having ring-fenced funding reserved for DDA adjustments. There was one example of an organisation with thousands of employees in which someone with poor eyesight had asked for their workstation to be adapted with new technology to enable them in their role. The organisation had refused the adaptation on the grounds that it would cost £25,000. The case had gone to court and was awaiting judgement.

It was also commented that the cost of some adjustments was easier to pre-empt than for others. Absence was felt to incur an expense to the organisation but it was not as obvious or predictable as, for example, the cost of building a new counter. This may also help to explain a manager's unwillingness to take on someone with an intermittent condition with associated absence.

The amount employers were willing to spend on adjustments depended on numerous factors, including:

- organisation profitability/turnover (size often a factor):

'I think it's harder for a big company to argue that things are not reasonable because its resources are so much greater, so what's reasonable for us is going to be not necessarily reasonable for somebody who employs 10 people.'

(EO/100+/Private/Multi-site/Local office)

- the perceived value of individual applicant/employee:

'Reasonable adjustment is as long as a piece of string. In the first instance, what somebody who is relatively new thinks is reasonable in their circumstances might be a completely different answer to somebody with 25 years' service ...'

(ESP/3-14/Private/Multi-site/Head office)

- the perceived long-term benefits of adjustment;
- the number of employees benefiting;
- the potential conflict with other parties/sectors.

Employers felt that it was difficult to know what was a reasonable level of expenditure for adjustments. It was felt that the acceptable level of adjustments would become clearer over time once cases have passed through the law courts. Not everyone felt this was very fair:

'Case law isn't a good way of implementing things, because it's a bit unfair. It's some unlucky people get hit to start with then everybody else says okay that's what that means then, so we'd better do this.'

(ESP/3-14/Private/Multi-site/Local office)

However, there was also a view that it is preferable to tighten regulation up this way than to start with a prescriptive set of rules which might penalise smaller, more vulnerable organisations.

There was a sense among some of the managers that the extent to which they would be prepared to make adjustments depended on what the competition was doing. They felt that if a competitor made certain accommodations that it would raise the pressure for them to follow suit.

'If one organisation is perceived to be meeting that standard or exceeding it the other players would have to raise their game because that would be perceived as the standard.'

(ESP/100+/Private/Multi-site/Head office)

There were examples in the case studies of disabled people having been given assisted places at companies and funding being provided by charities or voluntary bodies. Staff said that the additional funding acted as a real incentive to employ disabled people as it helped to cover the expense of any adjustments. It was also felt to compensate for the lower productivity of some disabled people. Not all employers knew of funding and felt that it could be better publicised.

'Obviously I would have thought that as a small business I would be concerned about any cost implications, because as much as I would want and be willing to comply, as a small business where there's not much money and that would be an issue. So if there was funding available to change my surroundings to comply then I would be happy to do it.'

(ESP/3-14/Private/Single-site)

2.6.4 Reasons for making changes

It is important to understand the motivations behind employers who make adjustments at their workplace for their disabled employees. In particular to understand whether changes are as a result of legislation or more generally in response to the needs of employees. Employers were then given a number of statements and asked which of them applied to why they went ahead with changes at their workplace. The proportions agreeing with each statement are shown in Table 2.12.

Table 2.12 Why changes were made at workplace

	Column percentages
It was the right thing to do for the disabled employee	98
We assumed the benefits would exceed the cost	78
The change had wider benefits for employees at the workplace	61
In response to a request from an employee	56
The costs were small	50
Organisation policy required us to make changes	42
The law required us to make the change	35
Adjustments were made as part of a general refurbishment	29
Base: All who made changes to the workplace	273

As might be expected, nearly all employers (98 per cent) said that part of the reason they made changes to the workplace was that it was the right thing to do for the employee.

The next most common reasons given for making the adjustments were to do with the interests of the workplace. Just over three-quarters of employers (78 per cent) said that they thought that the benefits to the workplace would exceed any costs. Perhaps surprisingly, workplaces whose customers were solely members of the general public were less likely to view this as a reason for making changes than workplaces who deal solely with other businesses (69 per cent compared to 91 per cent). Employers who incurred a direct financial cost as a result of making changes were slightly more likely to give this as a reason than those who had no extra cost (82 per cent compared to 72 per cent). Although this difference is not statistically significant, it is encouraging to note that a direct financial cost for the workplace

does not automatically make employers believe that changes are not financially viable.

Around three-fifths of employers (62 per cent) made changes because they thought they would have wider benefits for employees at the workplace. Again, employers at workplaces that incurred a direct financial cost were more likely to give this as a reason for any changes (64 per cent compared to 55 per cent), although this was not statistically significant.

The low costs of any changes made was mentioned by half of all employers who made an adjustment at their workplace (50 per cent). The case studies suggested that this could be a contributory factor in making changes as it was commonplace for organisations to carry out a financial assessment before embarking on physical adjustment (if not less tangible adjustments such as flexible working hours).

Just over half of employers who made changes to their workplace (56 per cent) said they did so in response to a request from an employee. This happened more often in the larger workplaces. Over three-quarters of employers in workplaces with 100+ employees (78 per cent) made changes in response to a request from an employee, compared to just under half of employers at workplaces with fewer than 15 employees (46 per cent). Workplaces that currently have disabled employees were also more likely to say that changes made at the workplace were in response to a request from an employee (62 per cent compared to 34 per cent). This was probably due to the fact that respondents are less likely to know the origins of changes if disabled employees are no longer there.

Around two-fifths of workplaces that had made changes to help disabled employees (42 per cent) said they did so in response to their organisation's policy. As might be expected, smaller workplaces were less likely to say that changes were made in response to their organisation's policy. A quarter of workplaces with six or fewer employees (25 per cent) said changes were made due to the organisation's policy compared to seven in ten workplaces with 100 or more employees (70 per cent).

Just under three in ten employers (29 per cent) said that they made changes as part of a general refurbishment to the workplace. Employers who had a direct cost as a result of the changes were more likely to say that the changes were part of a general refurbishment (36 per cent compared to 14 per cent). This may explain why employers who had a direct financial cost from the changes were also more likely to say that they assumed the benefits would exceed the costs and that they would have wider benefits for the workplace.

Employers were also asked whether they made changes to the workplace because the law required them to, and just over a third (35 per cent) said that this was part of the reason. Perhaps surprisingly, employers were no more likely to give this as a reason for changes made whether they were aware of Part II of the DDA or not. This would imply that even employers who are not specifically aware of the DDA itself, are aware, at a more general level, that there is a legal requirement to make

adaptations for disabled employees. Employers at larger workplaces were more likely to say that they had made changes in response to legislation, seven in ten employers at workplaces with 100+ employees (70 per cent) compared to just over a quarter at workplaces with fewer than 15 (26 per cent). Two-fifths of employers at workplaces which had a direct cost as a result of changes (42 per cent) said they made them because the law required them to, compared to a fifth of employers (21 per cent) where there was no direct cost. Employers in the public sector were also significantly more likely than those in the private sector to cite legal reasons for changes to the workplace (55 per cent compared to 29 per cent).

Employers who knew of the DDA provisions and cited legislative motivations were asked whether they would have made the changes without legislation. Half of these employers (50 per cent) said that they would have made all of the changes, just over two-fifths (43 per cent) said that they would still have made some of them and only three per cent said that they would not have made any changes without the legislation. The case studies indicated that legislation helped to enforce change and it was questioned how much would have been done without legislation.

'I think anything that's gonna be improved will be done by legislation anyway, so I can't see any company will go out of their way at a cost off their own back.'

(ESP/100+/Private/Single-site)

This perception was reinforced in companies in which staff recalled the 'green card' system that obliged organisations to employ a quota of disabled employees. There was a feeling within some of these organisations that, although now no longer in place, the quota system had been responsible for setting the initial trend for recruiting disabled applicants.

It was also suggested that legislation could be used to enforce progress where there might otherwise be some resistance.

'I think that we were probably doing some of them before the DDA came on board, but the DDA has been a tool that helps to facilitate some of the moves a little bit more. So it was almost legislation that backs up what we do.'

(EO/100+/Private/Multi-site/Local office)

Employers who said that they had not made any changes for their disabled employees were then asked why. A significant minority of these employers (30 per cent) said that one of the reasons they had not made any changes to the workplace was that they had never had any disabled employees, contradicting an answer they had given earlier in the survey. This could be related to the fact that respondents were prompted with the definition of disability from the DDA before being asked whether they had any disabled employees. This may not match their personal definition of what a disability is and, therefore, they are reasserting their own definition at this question, in effect saying that the employee did not 'really' have a disability.

Nearly half of all employers (48 per cent) said that no changes had been made because disabled employees did not require adjustments at the workplace, and just over a third (34 per cent) said that the necessary facilities or arrangements were already in place. A fifth of employers (18 per cent) said that they had not made any changes as their premises are rented, although under the terms of the DDA the employer would still be responsible for ensuring that reasonable adjustments were made to the premises through requests to the landlord. Encouragingly, fewer than one in ten employers (eight per cent) said that they had not carried out adjustments because of the costs involved.

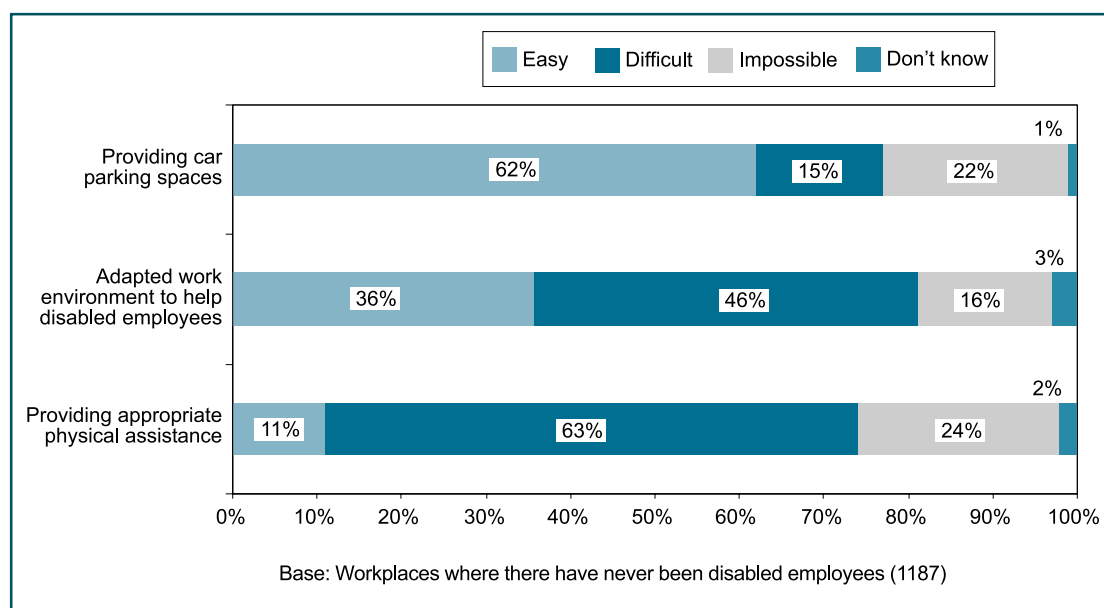
2.6.5 Ease of implementing different measures

All employers at workplaces which had never had disabled employees were presented with a number of measures that could be taken to enable them to employ disabled people. They were asked to comment on how easy or difficult it would be for them to implement each measure in their own workplace. These measures have been grouped into themes below to assist in analysis.

In reading these results, it should be noted that employers tended to answer questions based on the practicalities of making these adjustments rather than their willingness to do so. Employers who were not aware of the employment provisions of the DDA did not tend to respond more negatively than those who were aware of it.

Figure 2.3 describes the measures that relate to physical adjustments that employers could make to assist disabled employees.

Figure 2.3 How easy it would be for workplace to make physical adjustments

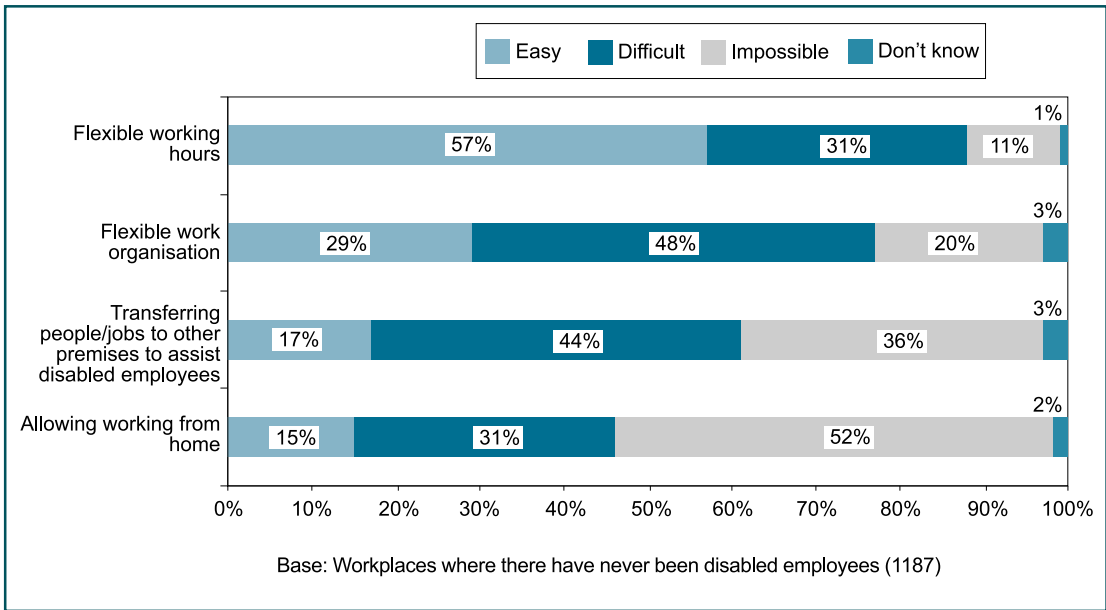


The adjustment which employers were most likely to find easy was providing car parking space for disabled employees. Three-fifths of employers said they thought this would be easy, and two-fifths thought this would be very easy. Employers at larger workplaces were more likely than those at smaller workplaces to find it easy to provide car parking (56 per cent of employers of six or fewer employees compared with 78 per cent of employers with 15 or more staff).

Employers said they would find it more difficult to make other physical adjustments to their workplace. Nearly two-thirds (62 per cent) of employers said they would find it difficult or impossible to adapt the physical work environment and almost nine in ten (87 per cent) would find it difficult or impossible to provide physical assistance, such as providing interpreters. Once again, employers at smaller workplaces were more likely to have difficulty – 66 per cent of employers of six or fewer would have difficulty adapting the physical environment, compared with 53 per cent of employers of 15 people or more.

Further measures, relating to flexible working practices, are shown in Figure 2.4.

Figure 2.4 How easily workplace could change working practices



Over half of employers who did not currently employ disabled people felt that it would be easy to introduce flexible working time or different hours for disabled employees. Employers felt that other flexible working practices would be more difficult to implement, with over half (52 per cent) thinking it would be impossible for them to allow disabled employees to work from home. As before, employers at smaller workplaces were more likely than those at larger workplaces to find it difficult to introduce flexible measures to allow them to employ disabled people.

The case studies indicated an expectation on the part of staff that applicants and employees with impairments also behave ‘reasonably’ in relation to adjustments. Organisations felt that sometimes employees expected too much of them without

recognising the difficulties from their point of view. For example, one disabled person had become incapable of performing their role and was offered an alternative position with the same salary (which they had been advised they ought to be able to do) but the employee in question refused it.

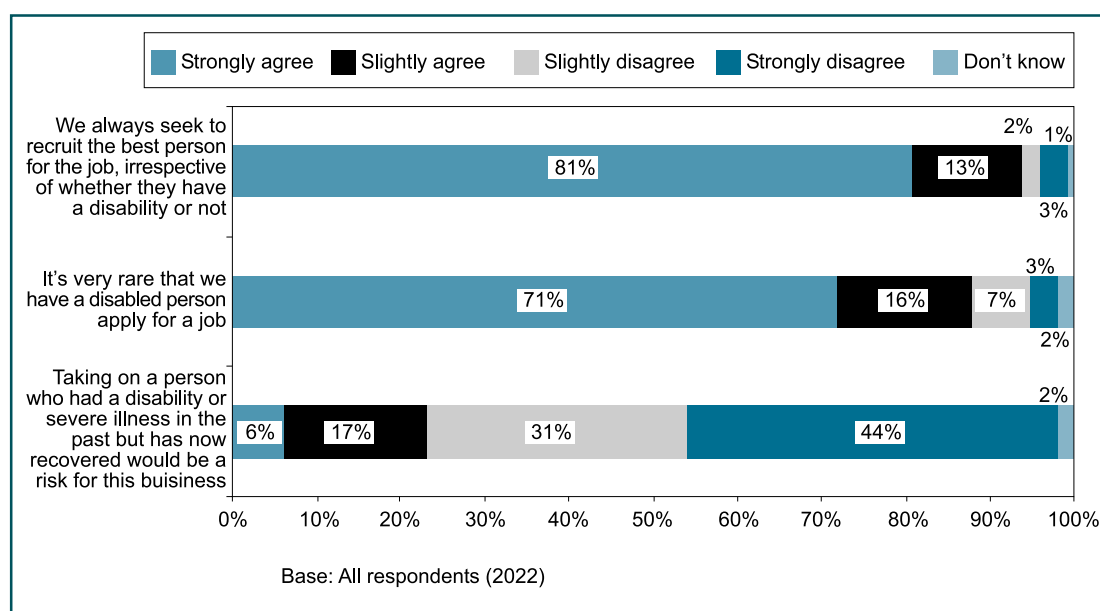
'It takes two to tango. We need to make an adjustment, and you need to accept that the adjustment be made ... It's a stupid example but if we put in a ramp to allow somebody who uses a wheelchair to come in the door he can't refuse to use the ramp and say he can't get into work.'

(EO/100+/Private/Multi-site/Head office)

2.7 Attitudes towards employing disabled people

Employers were asked to agree or disagree with six statements about their views on the employment and retention of disabled employees. This was designed to try to understand the spectrum of opinion among employers. Three of the statements related to the employer's experiences at their workplace, and three were about the recruitment and retention of disabled employees in general. Figure 2.5 below shows the agreement with the statements relating to the employer's workplace.

Figure 2.5 Agreement with statements – recruitment and retention of disabled employees



Nearly all employers (94 per cent) agreed with the statement that their workplace always sought to recruit the best person for the job, regardless of any disability, with four-fifths (81 per cent) saying that they agreed strongly. Although there was a high level of agreement with the statement, there was some variation between subgroups. Employers at smaller workplaces were slightly less likely to agree that they always employ the best person for the job (92 per cent at workplaces with six or fewer employees compared to 98 per cent at those with 100). Employers at workplaces

that have never had disabled employees were also less likely to agree with the statement (92 per cent compared to 98 per cent).

The high proportion of employers who say that they always seek to employ the best person for the job, irrespective of disability, appears to contradict the fact that a high proportion of employers also said that their workplace does not have flexible procedures that would allow it to employ disabled people (see Section 2.4.3). This may be explained by the fact that whilst employers have high aspirations they are also mindful of the constraints of their business.

'I think if you have got someone who is really enthusiastic about their job, and maybe likes it and good at their job, it would be false economy not to employ them because they have a disability but I think, likewise, it would be silly to employ someone who had a disability if they weren't good at their job.'

(ESP/3-14/Private/Multi-site/Local office)

The survey showed that five per cent of employers said that they did not always seek to recruit the best person for the job, irrespective of disability. The qualitative case studies pointed to isolated examples of employers saying that disabled people would be actively excluded from employment. For example, one person working in Public Relations felt that an attractive physical appearance was an important credential which would eliminate someone with severe facial scarring. Most employers' views about an applicant's level of competence were nevertheless governed by the applicant's ability to perform a role rather than their physical appearance.

Nearly nine in ten employers agreed with the statement that it was very rare for them to have a disabled person apply for a job. As might be expected, employers from smaller workplaces were much more likely to agree with this statement (89 per cent at workplaces with fewer than 15 employees compared to 62 per cent at those with 100). Employers at workplaces where there were currently no disabled employees were also more likely to agree that it was very rare for them to have disabled people apply for a job (92 per cent compared to 77 per cent). This finding may reflect the tendency to forget about, or not know about, hidden disabilities as respondents within the cases studies acknowledged that they would not always know if an applicant had a disability or not.

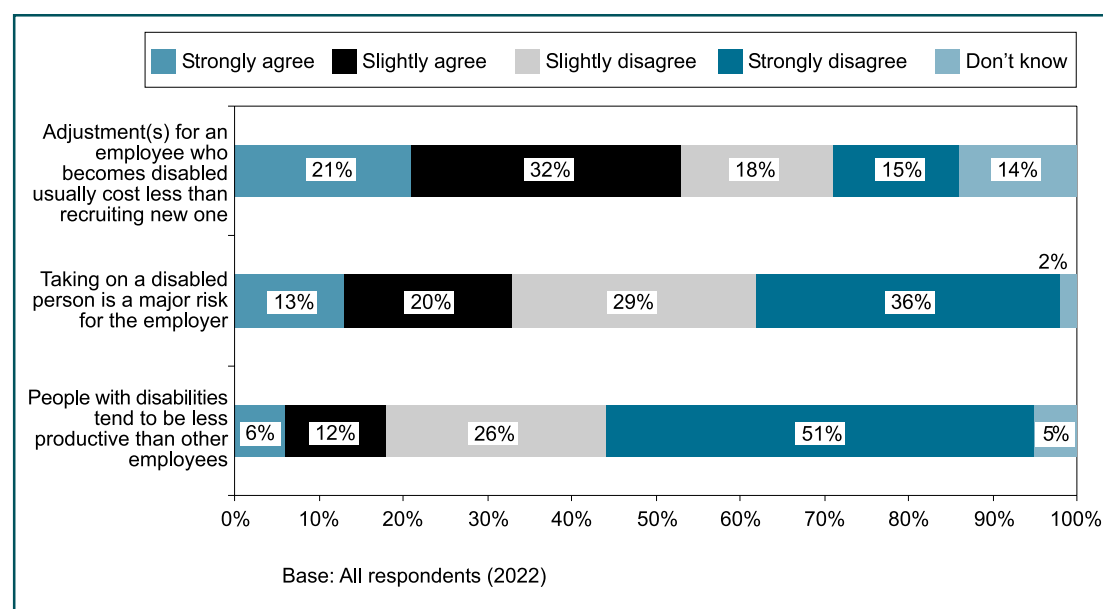
The fact that a large proportion of employers say it is rare that they have a disabled applicant may also explain the discrepancy between the fact that nearly all employers say that they employ the best person for the job regardless of disability and the low proportion of workplaces employing a disabled person.

Just over a fifth of employers (22 per cent) agreed with the statement that it would be a risk for their business to take on a person who had a disability or severe illness in the past but who has now recovered. Employers at smaller workplaces were more likely to agree with this, although a significant minority of larger workplaces also agreed with the statement. A quarter of employers at workplaces with fewer than

15 employees agreed that it would be a major risk to take on somebody who had a disability in the past (25 per cent) compared to just over one in ten employers at workplaces with 100 or more employees (13 per cent). It should be noted that although employers agree that it would be a risk to take on an employee who had an impairment in the past but who had since recovered, this is not to say they would not employ them.

Employers were also asked to agree or disagree with three statements about the recruitment and retention of disabled employees in general, not necessarily about the practices at their workplace. The proportions agreeing with each statement are shown in Figure 2.6.

Figure 2.6 Agreement with statements – recruitment and retention of disabled employees



Just over half (53 per cent) of all employers agreed with the statement that making adjustments for an employee who becomes disabled usually costs less than recruiting a new one. Employers at larger workplaces were more likely to agree with this statement than those at smaller workplaces. Just over three in five employers (62 per cent) at workplaces with 100+ employees, compared to half (50 per cent) at workplaces with fewer than 15 employees, agreed that making adjustments for an employee who becomes disabled would cost less than recruiting a new one. Employers at workplaces which currently had disabled employees were also more likely to agree with this statement (63 per cent compared to 50 per cent of those that did not).

A third of employers (33 per cent) agreed with the statement that taking on disabled employees was a major risk for the employer. It is interesting to note that nearly all of these same employers said that they always took the most suitable person for the job. Unfortunately, we cannot say to what extent the perceived risk that a disabled employee may have for the business determines an individual employer's evaluation

of an applicant's suitability. Encouragingly, employers at workplaces where there had been disabled employees were significantly less likely to agree with this statement than those where there had not (25 per cent compared to 39 per cent). Less than one in ten employers at workplaces with over 100 employees (six per cent) agreed that it was a major risk to take on a disabled employee compared to nearly two-fifths (38 per cent) of those with fewer than 15.

Encouragingly, less than one in five employers (18 per cent) agreed with the statement that disabled employees tended to be less productive than other employees. Again, employers at workplaces where there have been disabled employees were less likely to agree with this statement than those where there had not (12 per cent compared to 22 per cent). Employers at larger workplaces were also less likely to agree with this statement (two per cent at workplaces with over 100 employees compared to 21 per cent at workplaces with fewer than 15). The greater wariness of employers at smaller workplaces may reflect the fact that they are less likely to have had experience of employing disabled people.

Staff with experience of employing disabled people felt that they were no different to other employees and provided as good a service as their peers.

'People that we've employed so far are excellent ... It's shame that people do discriminate because they provide just as good a service if not better sometimes.'

(ESP/100+/Private/Multi-site/Local office)

By accepting applications from disabled people, staff said that they were broadening their choice of prospective employees.

'I think the benefits are that you get a good mix of people and you understand that we've all got disabilities ... There's things that everybody can do differently and at different levels, whether we come under the Act or not.'

(EO/100+/Private/Multi-site/Head office)

They also felt that, once recruited into the organisation, disabled people would create a more diverse employee base.

It was suggested by some employers that some disabled people may experience difficulty getting work and that, once an opportunity arises, they are likely to be more appreciative of it than their peers and possibly show greater loyalty to an organisation.

'I am aware that if disabled people are given an opportunity, they are often fiercely loyal, they will try exceptionally hard for the company, whereas some of the other drivers perhaps take their job for granted.'

(ESP/100+/Private/Single-site)

It was also felt to reflect well on a business if they were seen to be employing disabled people and caring for disabled staff.