

Disability in the workplace: Small employers' awareness and responses to the Disability Discrimination Act (1995) and the October 2004 duties

By Graham Kelly, Patsy Lam, Dr Andrew Thomas, Caroline Turley

Background

The aim of this study was to measure how small employers were responding to the new duties under Disability Discrimination Act (DDA) introduced on 1 October 2004. Both quantitative and qualitative methods were used. The Department for Work and Pensions (DWP) conducted a similar quantitative telephone survey in 2003 and comparisons of the two surveys are made where possible. However, as different sampling frames and weighting profiles were used in the two surveys, any comparisons should be treated as broad indications. The qualitative research consisted of 36 face-to-face depth interviews with small businesses, structured to reflect a good mix of businesses in terms of industrial sector, number of employees and response to the DDA.

Key findings

- Nearly two thirds of small employers (63 per cent) were aware of the DDA spontaneously or after being prompted an increase from the 2003 survey (58 per cent), though qualitative findings show that their views still lacked depth.
- They were more likely to acknowledge certain impairments as disabilities in 2005 than in 2003. However, their understanding of disability was still quite superficial with respondents focus mainly on sensory and mobility impairments.
- Only one in five small employers (20 per cent) said there had been a disabled employee at

their workplace. Half of our respondents (50 per cent) said there was a policy covering the rights of disabled employees and applicants, though the term 'policy' might have been interpreted very liberally, rather than defined as formal, written policies.

- Compared to two years ago, small employers were less likely to feel that their workplace would find it difficult to retain employees who became disabled.
- Encouragingly, employers were less likely to say it would be difficult or impossible to help disabled job applicants by making adjustments, or to employ someone with a common impairment. Most felt that as long as someone could do the job, disability was not an obstacle to employment.
- One in ten small employers (11 per cent) had sought external advice about employing disabled people and they were more likely to use non-government sources compared to two years ago.
- A third (32 per cent) of employers had made some adjustments for their disabled employees, and the majority (79 per cent) of them said it was easy. Those changes tended to be small in scale. The majority of those who had not had a disabled employee thought it would be difficult or impossible to introduce flexible work organisation (62 per cent) or allow work from home (77 per cent).
- Small employers were less likely to believe that taking on a disabled person would be a major risk for them, and less likely to think that disabled people tend to be less productive than other employees.

Summary

Awareness and knowledge of the employment provisions of the DDA

Spontaneous awareness of the DDA among small employers rose from 4 per cent in 2003 to 17 per cent in 2005. After being prompted, 63 per cent said they were aware of the Act, an increase from 58 per cent in 2003. The qualitative study similarly found that while there was little awareness of the DDA by name, there was greater awareness that legislation existed to help prevent discrimination on the grounds of disability.

When asked what they thought were the main provisions of legislation with regard to employment, small employers were most likely to say 'no discrimination on grounds of disability or ill health' (38 per cent). Compared to 2003, employers were more likely to give more specific responses, rather than generalisations such as 'equal opportunities'. This was not entirely reflected in the qualitative study, where respondents expressed general views that the Act would deal with issues of discrimination, equal rights for disabled people and access.

Small employers were shown a list of common impairments and they were more likely to regard each of the conditions as a disability in 2005 than in 2003. Yet the qualitative study revealed that employer understanding of disability was still poor, with definitions of disability focusing on mobility issues. It was clear that employers had generally given little thought to the employment of disabled people.

Employment of disabled people

One in five small employers (20 per cent) said there had been a disabled employee at their workplace and over one in ten (12 per cent) said they currently had at least one disabled employee. The qualitative study similarly revealed that the people employed usually had minor impairments that required the minimum adjustments. However, unless a person's

impairment was visible, or the employee had brought it to the attention of the employer, it was quite possible for employers to have employed disabled staff without realising it. Experiences of employing disabled people were usually positive. However, a single negative experience tended to colour an employer's perception of the employability of all disabled people.

Half of our respondents (50 per cent) said they had a policy covering the rights of disabled employees and applicants and this is a significant increase from 2003 (35 per cent). A quarter (25 per cent) said that they had a written policy. However, the qualitative research suggests that the term 'policy' may be interpreted very liberally, demonstrating a marked lack of formal written employment policies covering either disability or equal opportunities in the workplace. The primary reasons for not having a formal policy were partly a perceived lack of relevance and partly a reflection of their informal recruitment practices.

Employers were less likely to feel that their workplace would find it difficult to keep on employees who became disabled (44 per cent in 2005 compared with 55 per cent in 2003) and less likely to think that their workplace did not have flexible procedures that would allow it to employ disabled people (29 per cent in 2005 compared with 41 per cent in 2003). Qualitative findings suggest that employers were of the opinion that should this situation arise they would be keen to retain the employee because of the investment in training and the desire to keep the knowledge and skills within the company.

Recruitment and selection

Six in ten employers (61 per cent) said they had ever externally advertised at least one of their vacancies. Among those employers, three in ten (31 per cent) said they had mentioned an equal opportunities policy in their advertisements. However, findings from the qualitative research suggest that formal external advertising was very infrequent. Over a third of employers (35 per cent) required their applicants to give information about their health and disability at some stage during their application process.

Encouragingly, employers were less likely than in 2003 to say it would be difficult or impossible to help disabled job applicants by making adjustments. In general, those who had had a disabled employee were more likely than those who had not to say it would be easy to make adjustments for job applicants. Small employers were less likely to say it would be difficult or impossible to employ someone with a common impairment than in the 2003 survey. Employers in the qualitative study felt that, provided the person could do the job, then there would not be any problem regarding their employment. Employers were of the opinion that people with severe impairments would be the most difficult to employ.

One in ten employers (11 per cent) had sought external advice about employing disabled people and they were less likely to say it was from government sources than in 2003. The increase in non-government sources suggests that some degree of mainstreaming may be underway, with businesses seeking information from other sources used for more general business advice. None of the employers had sought any information about the DDA. However, there was a small demand for a very simple digest of the requirements of the Act.

Adjustments at the workplace

Among those who had made some changes for a disabled employee, four-fifths (79 per cent) said it was easy, and three-fifths (61 per cent) said it had incurred additional cost. The small employers participating in the qualitative study had generally made limited changes to their working environment and conditions. Where adaptations had been made they tended to be small in scale. Compared to two years ago, employers at workplaces with a disabled employee were more likely to think it would be easy to make physical adjustments such as adapting work environment (33 per cent in 2003 and 49 per cent in 2005) and providing physical assistance (10 per cent in 2003 and 19 per cent in 2005) However, the majority still thought it would be difficult or impossible to introduce

flexible work organisation (62 per cent), transfer people or jobs to other premises (76 per cent) or allow work from home (77 per cent) to help disabled employees.

The main difficulties that limited the extent to which small employers would make adjustments were: the financial implications of making adjustments; the nature of the work premises; and potential resentment amongst other members of staff as a result of adaptations.

Attitudes towards employing disabled people

Compared to 2003, small employers were less likely to believe that taking on a disabled person would be a major risk for them (31 per cent in 2005 compared with 42 per cent in 2003) and less likely to think that disabled people tend to be less productive than other employees (17 per cent in 2005 compared with 24 per cent in 2003). Over a fifth (22 per cent) said they did not know whether adjustment(s) for an employee who becomes disabled would cost less than recruiting a new one.

Awareness and knowledge of the customer service provisions of the DDA

Spontaneous awareness of the DDA with regard to customer service provisions had risen from one per cent in 2003 to 15 per cent in 2005. Not surprisingly, those who were public-facing were more likely to be able to specify the Act. Two-fifths of those aware of some legislation (39 per cent) said the main provision was to improve access to and movement around buildings. The qualitative research indicated that the customer service aspects of the DDA were generally seen as sensible and small employers were more likely to have made adjustments in response to the needs of customers and clients than they were for disabled employees.

Conclusions

Overall, awareness of the DDA has increased, and negative attitudes towards employing disabled people have declined since 2003. However, awareness levels and positive attitudes are still a long way from being universal, suggesting that there is a continuing need for communicating with small employers. Attitudes towards employing disabled people have not changed considerably since 2003, but the changes that have occurred have been in a positive direction. The research reveals that small businesses respond to situations concerning disabled people as they arise, and will not tend to be proactive in making adjustments to the application process or workplace. This suggests that the communication needs will be ongoing for some time, so that information is available when needed. There appears to be a trend towards seeking information from non-government sources and this has implications for the dissemination of publicity and advice suggesting that an effective medium can be found through certain strategic organisations such as trade bodies and legal advisers.

The full report of these research findings is published for the Department for Work and Pensions by Corporate Document Services (ISBN 1 84123 872 4. Research Report 277. August 2005).

It is available from Paul Noakes at the address below.

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

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

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