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RESEARCH ARTICLE

Responding to the Irish Government’s announcement on the new Access and Work scheme – a human rights approach

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ABSTRACT

Ireland continues to fail to uphold the human rights of deaf people. On 30th July 2024, Minister for Social Protection launched the new Work and Access Programme, which offers a set of supports to people with disabilities to obtain a job or remain in work. The aim is to remove or reduce barriers in the workplace for people with a disability. However, as this article aims to highlight, there are two issues of concern within the Work and Access scheme for deaf people that need to be addressed: the perception of Irish Sign Language (ISL) as a form of ‘communication support’ and the cap in number of hours of support available for deaf ISL users. This paper aims to show why these concerns will have a negative impact on deaf people’s ability to participate in the workplace and to offer suggestions for how these might be alleviated.

ARTICLE HISTORY

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On 30th July 2024, the Irish Minister for Social Protection, Heather Humphries, launched the ‘Work and Access’ scheme at Hodson Bay Hotel in Athlone, County Roscommon. She was joined by representatives from the Disability Sector and Employer representatives. The new Employment Programme replaced the Reasonable Accommodation Fund (RAF) and the Disability Awareness Support Scheme (DASS). The Minister states,

I strongly encourage employers to consider how the new Work and Access Programme can support them to make their workplaces better environments for staff with disabilities. All that is required to make a difference in someone’s life is to give them a chance. The team here at the Hodson Bay are a great example. They are providing full time work and part-time work so that it matches with the capacity of their employees with disabilities. Investing in others works. It works for business and it works for the person with a disability. Work and Access provides a wide range of practical supports that I believe will make a real and positive difference in people’s lives.

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The Access and Work programme aims to reduce inequalities between disabled people and non-disabled people in the workplace by removing practical barriers to work. The five key elements of support covered by the grant as detailed in the department website are as follows:

Workplace Needs Assessment, to assist in identifying the need for additional supports; Communication Support, for interview and in work; In-Work Support, to help you perform in your position; Personal Reader, to assist you in work; Work Equipment, to assist you in your job (Department of Social Protection 2024).

To be eligible for Access and Work, applicants must meet the general eligibility requirement for grant: for example, an employee, a self-employed person, or a person acting on behalf of the employee can apply for support funding. For people with disabilities in Ireland, Access and Work represents a positive step in the right direction, particularly with regard to employment in the private, commercial and not-for-profit sector. Private sector employers have frequently cited costs such as insurance (even though it is illegal to vary insurance premiums based on disability) and interpretation services, as reasons for not hiring deaf people. Work and Access would help alleviate that cost burden by paying for an Irish Sign Language (ISL) interpretation service. In a world increasingly striving for employment equality, diversity and inclusivity, the rights of deaf employees are gaining more attention. Among these rights is the provision of ISL interpretation services to ensure equal access and opportunities. Under the Irish Sign Language Act 2017 2017 (2017) public sector bodies are obliged to provide deaf people access to information, resources and opportunities through the medium of ISL and through ISL/English interpretation. This also intersects with the obligations on public bodies under the 'Public Sector Duty' laid out in Section 42 of the Irish Human Rights and Equality Commission Act 2014.

There are two central issues of concern regarding the Work and Access scheme for deaf people that this paper aims to address. First, it is important to point out that there are an estimated 5,000 deaf people who use ISL as their first and preferred language (Authors 2012). The importance of ISL as a communicative means for expressing a range of concepts, feelings, and thoughts is not a novel idea in the deaf community. Linguistic researchers have confirmed that ISL is a fully-fledged language containing all the linguistic properties necessary for human languages to function (Authors 2012). However, by listing ISL interpreting services under the category of 'communication support', the Irish Government clearly lack awareness of these important facts. Instead, there is a perception at policy level that deaf people need 'help' with understanding, expressing themselves or interacting with others. This of course is a misconception because many deaf people are skilled ISL users. There is also a misconception here that the interpreter is 'for' the deaf person, when in fact, they are there to facilitate all parties to a given

85 communicative interaction. We propose that ISL/English interpreting services
86 should be separated out from the range of other provisions that fall under
87 the broader range of communication supports offered.

88 The second issue concerns the cap on how much support deaf people can
89 receive through this scheme in one year, which is particularly likely to affect
90 those seeking ISL/English interpretation. The number of hours allocated for
91 'communication support,' which the provision of ISL/English interpretation
92 falls under, is 10h for a Workplace Needs Assessment and 30h for In-Work
93 Support. We argue that the government's proposals do nothing to support
94 access and inclusion beyond these established thresholds. For instance, how
95 is this cap intended to create equitable working conditions, independence,
96 and full participation in the workplace for the deaf employee? How do these
97 restrictions support career progression for deaf employees and deaf job seek-
98 ers? How do they align with the UN Convention on the Rights of Persons
99 with Disabilities (2006) principles on the full participation of people with dis-
100 abilities in the workplace?

101 Our position is that the Work and Access system, as it currently stands,
102 is wholly inadequate for deaf people. We believe the cap on number of
103 hours for Work and Access funding will make it difficult for deaf employees
104 to gain full support in the daily workplace. They will likely face a systemic
105 problem in the way the scheme is being administered which could affect
106 their ability to obtain and maintain work. What happens when the number
107 of hours expire? How will they engage with work colleagues? Will they
108 have to ask their employers for financial help to allow them to continue to
109 work? Without access to full support, they will end up losing their jobs,
110 their work will suffer, their confidence will be hit, and they will experience
111 distress, uncertainty and isolation. Deaf people are legally entitled under
112 the ISL Act 2017 to have full access to ISL/English interpretation services in
113 the workplace. The employer is obligated to cooperate with this Act and
114 implement the recommended adjustment. Failing to do so could be consid-
115 ered disability discrimination which is unlawful under the Equality Status
116 Acts 2000–2015.

117 As things stand, there exist no human rights accountability framework to
118 measure the integration of the Work and Access programme. To implement
119 the design of a human rights model of disability (see Lawson and Beckett
120 2021), a reassessment of the current scheme is necessary. This includes a
121 review of existing methodologies to ensure the rights of people with disabil-
122 ities and deaf people are at the centre of every decision and action by
123 employers and government departments. Ireland's ratification of the UNCRPD
124 (2006) in 2018 ensures the Irish government have policy commitments on a
125 human rights-based approach to development for people with disabilities.
126 UNCRPD principles are deeply rooted in human dignity, fairness, respect and
127 equality. Every policy, decision and operation of powers and duties must

begin with a consideration of these principles. Access and Work programmes must therefore be designed to embed and sustain human rights principles as a core function of disability policy in Ireland.

We suggest a number of strategies to alleviate the problems identified in this article. First, we propose the employment of two full-time ISL interpreters to work at specific institutions (e.g. higher education or government departments) with a booking system in place to provide for provision on request. We also suggest that the government strategically applies evidence from the 'Designs Project' (Authors 2020), which includes insights into Irish deaf people and ISL/English interpreters views on the challenges in navigating a bureaucratic system, as an evidence base for reform of the Access and Work programme. Furthermore, the government needs to engage with the Irish Deaf Society and leading experts in the field of ISL/English interpretation. The Access to Work scheme in the United Kingdom (UK) should be held up as an example of a stronger and more workable system compared to what is currently offered in Ireland. Under the UK scheme, there is no set number of hours for an 'Access to Work' grant. Instead, awards are made on a case-by-case basis with an annual cap on the total amount of support provided under the scheme, which, as of May 2024, is set at £60,700. Access to Work funds 100% of the approved costs subject to the cap for travel to and from work, for a British Sign Language (BSL)/English interpreter at interviews, for those who are unemployed and starting a new job or if the individual has been working for an employer for less than six weeks. Not only do the Irish government need to consider the UK system but they also need to look at how the employment of deaf people is supported in Belgium and Germany.

To anchor a human rights model of disability into Work and Access, government needs to look at developing programmes from a rightsholder perspective. This involves an emphasis on taking the views and experiences of deaf people into account. Feedback from deaf people should ensure learning from past mistakes and improvement in accessibility issues. If we are serious about ensuring that Irish employers can reap the talent that Irish deaf employees have to offer, then we need to do much better than is currently the case. Lack of provision excludes, impacts on equality, and is at odds with our commitment to upholding UNCRPD human rights principles. While there are provisions in place for deaf students to access further and higher education, no such support is available for deaf employees. Ensuring that funding is in place opens up opportunities for a broader range of deaf talent to enter the labour market. Implementing a human rights model of disability (Lawson and Beckett 2018) can beneficially inform improvements on current Access and Work programmes. The UNCRPD rights-based approach can also be a useful instrument for better implementing inclusive involvement of rights-holders. Any denial of such rights now stands in need of justification,

including denials of access to ISL interpretation services. If existing Work and Access methodologies are not reassessed and changed, accessibility improvement for deaf people is likely to be impeded.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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