

Disability Disclosure in the Workplace An Employer Toolkit





About Employers for Change

Employers for Change is a programme of the Open Doors Initiative, and funded by the Department of Children, Disability and Equality. The service empowers employers with all the information and advice needed to hire inclusively and to employ, manage and retain staff with disabilities. Since launching in March 2021, Employers for Change has engaged with over 400 employers, helping them build more inclusive workplaces.

We hope this toolkit serves as a valuable resource in your journey toward greater disability inclusion.

Prepared for:

Employers for Change
Open Doors Initiative (“ODI”)

Prepared by:

Eoin O’Herlihy
Tessa O’Shaughnessy
Trish Cooney

O’Herlihy Access Consultancy

March 2026

This document is designed as a Toolkit for employers, employees, public bodies, HR staff, and Diversity, Equality and Inclusion teams, Data Protection Officers within organisations. It has been written to provide practical tips and information. The suggestions are based on information collected and analysed between July and December 2024. Those using this Toolkit will be at different stages of maturity with respect to the items discussed here and are best placed to tailor the guidance to their own organisations.



**An Roinn Leanaí, Míchumais
agus Comhionannais**
Department of Children,
Disability and Equality

Foreword

According to the 2022 Census 1,109,557 people in Ireland (22% of the population) reported having a disability, meaning that one in five of us has a disability. This significant proportion of our population represents a vast pool of talent, experience, and perspective that workplaces should focus on.

Employers for Change recognises the value that every individual brings to the workplace. Building a culture of inclusion and belonging is essential to unlocking that potential and ensuring everyone can contribute their best. Achieving this requires a systemic approach that ensures workplaces are truly accessible and psychologically safe for all employees.

In recent years, workplace inclusion for persons with disabilities in Ireland has gained significant momentum, driven by national policies, government schemes, shifting public attitudes, and increased employer awareness. However, despite this progress, substantial challenges remain. Ireland still has one of the lowest employment rates for people with disabilities and the highest disability employment gap within the EU (NDA, 2024)

To support employers in making a real change, commissioned by Employers for Change, a programme of the Open Doors Initiative, the Disability Disclosure in the Workplace Employer Toolkit sets out to provide accessible, practical and clear information and guidelines for employers who wish to create more disability inclusive and accessible workplaces.

Our work with employers across various sectors has highlighted the need for better understanding of disclosure, employee data management, and the creation of psychologically safe environments. Recognising this, we built this toolkit on primary research, best practices, and most importantly insights from people with lived experience. Through literature reviews, focus groups, and consultations with experts and Disabled Persons Organisations (DPOs), we have developed a resource that is both evidence-based and deeply informed by real-world experiences.

This toolkit aims to be a practical guide, but we acknowledge that disability inclusion is a vast and evolving field. While we have covered key areas, we encourage employers to see this as a starting point and to continue learning and improving their policies and practices.

Anna Boda
Programme Manager
Employers for Change

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Introduction

Although there is legislation that supports employment equality in Ireland, there is still a need for a shift in culture to create more disability inclusive workplaces. Creating a workplace environment that is inclusive and promotes psychological safety, could improve rates of employees sharing disability status. This, in turn, delivers many benefits to organisations in the attraction, development and retention of valuable employee talent.

The aim of this toolkit is to increase employers' awareness, from both the public and private sector, of how you can create an Equitable, Diverse and Inclusive (EDI) work culture that is focused on supporting employees to feel more comfortable sharing their disability status.

This Toolkit was commissioned by Employers for Change and will provide introductory information and guidance on:

- How to create a culture where employees feel supported to share their disability status.
- The importance of disability inclusion and self-identification for employees and employers alike.
- An overview of legal requirements and regulations for employers and organisations in relation to employees sharing their disability status and the collection of disability data (sensitive personal data).
- Good practice regarding processing the data of employees with disabilities.
- Ongoing management of data and some tips about creating more inclusive and accessible workplaces.

This toolkit was informed by a mixed methods approach that combined a desktop review with findings from targeted stakeholder consultation. Representative stakeholders included: employees with disabilities, Disabled Persons' Organisations (DPOs), Disabled Persons' Representative Organisations (DPROs), employers, managers, DEI specialists, HR specialists,

and job coaches for disabled people. Participants represented the public, private and voluntary sectors. The data was gathered from interviews, focus groups and written feedback mechanisms. The questions were based on lived experiences and knowledge of existing workplace disability data processes. This consultation revealed some of the issues regarding employees sharing their disability status and collecting data on employees with disabilities. It highlighted the value and need for organisations to provide best practice approaches, such as reasonable accommodations for all employees, regardless of disability.

**Key Audience:**

Employers, employees, public bodies, HR staff, and Diversity, Equality and Inclusion teams, Data Protection Officers within an organisation/workplace.

Supplementary Training:

Training has been developed to complement this toolkit. The purpose of the training will be to give practical guidance on implementing the recommendations contained in this toolkit. Further information is available on the [Employers for Change website](#).

Terminology in this toolkit:

While terms like ‘disclosure’ and ‘sharing disability status’ are evolving, this toolkit uses language that reflects both current legal terminology and commonly used workplace language. We recognise that language matters, and we encourage employers to be flexible and person-centred in their communication.

Throughout this toolkit, the terms Diversity, Equity, and Inclusion (DEI) and Equity, Diversity, and Inclusion (EDI) are used interchangeably. While different organisations may prefer one over the other, both frameworks share the same core principles: fostering inclusive, accessible, and equitable workplaces where everyone can thrive.

Section A

Setting the foundations



This section is to set the foundations. You will learn about key terms, gain an understanding about the basics of disability and also about different aspects of data collection and relevant legislation.

We recommend starting with this section. You can find practical advice in Section B.



1 Key Terms

1.1 What is disability?

There are several definitions of disability through different equality legislation, and these are highlighted in the National Disability Authority Submission to the Review of Equality Legislation. For the purpose of this toolkit, the definition of disability from The Disability Act 2005 is referenced below:

“a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”

1.2 Medical and social model of disability

There are different models of disability which could influence how you think and speak about disabilities. The medical model has historically reduced disability to an impairment that needs to be managed or treated.

This model does not focus on the fundamental human rights of the person who has a disability.

By contrast, the social model of disability is holistic. It considers the lived experiences of disability, shaped by social, emotional, psychological, economic, political and environmental factors.

The social model understands that disability is created by disabling barriers in society and the importance of inclusion. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) operates with a social and human rights model. The Convention applies established human rights principles from the UN Declaration on Human Rights to the situation of persons with disabilities. It covers civil and political rights to equal treatment and freedom from discrimination, and social and economic rights in areas like education, health care, employment and transport.

For more information refer to NDA's Advice paper on [Disability Language and Terminology](#).

1.3 Disabilities in Ireland

In terms of the number of people with disabilities and long-lasting conditions in Ireland, a total of 1,109,557 people reported experiencing at least one long-lasting condition or difficulty to any extent, which accounts for 22% of the population (Central Statistics Office, 2022). A long-lasting condition or difficulty is considered one which has lasted/is expected to last for six months or longer, or that regularly reoccurs. The CSO includes people who have the following disabilities:

- Blindness or a vision impairment
- Deafness or a hearing impairment
- A difficulty with basic physical activities such as walking, climbing stairs, reaching, lifting or carrying
- An intellectual disability
- A difficulty with learning, remembering or concentrating
- A psychological or emotional condition or a mental health issue
- A difficulty with pain, breathing or any other chronic illness or condition

1.4 What are non-apparent disabilities?

Non-apparent or invisible disabilities are not immediately obvious or visible to others. They can be neurological, cognitive and neurodevelopmental as well as physical, visual, auditory, sensory and/or processing difficulties. They also include respiratory, rare diseases and chronic conditions such as asthma and diabetes. The important point is that although the disability isn't visible, it does not mean it doesn't exist. Some people do not like to use the term 'hidden disability' as it may imply that a disabled person is hiding their disability on purpose. 'Non-visible' or 'hidden' or 'non-apparent' disability can be used as an alternative.

Although not an exhaustive list, examples of non-apparent disabilities include:

Autism	Disorder, Schizophrenia, and other mental health conditions	Functional Neurological Disorder (FND)
Attention Deficit Hyperactivity Disorder (ADHD)	Diabetes	Haemophilia
Brain injuries	Dyslexia	Learning disabilities
Cancer	Dyspraxia / Developmental Coordination Disorder	Lupus
Crohn's Disease	Ehlers-Danlos Syndrome (EDS)	Multiple Sclerosis
Chronic Fatigue Syndrome	Endometriosis	Narcolepsy
Chronic obstructive pulmonary disease (COPD)	Epilepsy	Parkinson's
Coeliac disease	Fibromyalgia syndrome (FMS)	Rheumatoid Arthritis
Chronic pain	Foetal Alcohol Spectrum Disorder (FASD)	Tourette Syndrome
Cystic Fibrosis		Visual and auditory disabilities – for example these may be invisible if someone wears contact lenses and a hearing aid.
Dementia		
Depression, Bipolar		

1.5 What is neurodiversity and neurodivergent?

Neurodiversity and neurodivergent are terms which recognise neurodevelopmental differences between people, as part of human diversity. The term 'neurodivergent community' includes people with attention deficit hyperactivity disorder (ADHD), dyscalculia, dyslexia and dyspraxia, autism, dyslexia, among others. Neurodivergent people experience and interact with the world in different ways (see the Government of Ireland's [Autism Innovation Strategy 2024](#) for more information).

The term 'neurodiverse' is often used to refer to a group that includes one or more Neurodivergent people (AsIAm, 2024). 'Neurodivergent/neurodivergence' refers to those whose neurocognitive functioning diverges from dominant societal norms in multiple ways; Neurodivergence is the state of being neurodivergent (Walker, 2014).

Neurotypical is a term used to describe a person who thinks and experiences the world in ways that society considers to be typical. This term is inclusive, unlike the language of 'normal' (National Disability Authority, 2022).

1.6 What is data on people with disabilities in the workplace?

The collection of disability data involves gathering data and insights about disability and disabled employees in an organisation, which can be used to improve policies, practices and organisational culture. Disability data is a form of sensitive personal data.

- **Personal data** is any information about a living person, where that person either is identified or could be identified. An employer will retain personal data on file for the management of the employment contract such as name, home address, date of birth, emergency contact details.
- **Sensitive personal data** relates to special categories of data which is subject to additional protection under GDPR regulations as set out in detail in Article 9 GDPR. Data concerning health is included in the category of sensitive personal data, which would include disability data collected. This special category data cannot be processed unless one or more of the conditions in Article 9(2) GDPR are met such as having explicit consent.

1.7 What is processing of data on employees with disabilities?

Processing of data on employees with disabilities covers a broad list of operations as highlighted by the European Commission website. Processing data includes the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of personal data. Further information on processing employee data is explained in the Section A 4.1.4 of this toolkit.

1.8 What are reasonable accommodations?

Under the Employment Equality Acts 1998-2015, employers are obliged to consider making reasonable accommodations for people with disabilities to:

1. have access to employment
2. participate or advance in employment
3. undergo training

Employers are obliged to provide reasonable accommodations to employees with disabilities if they require them to do a job to the best of their ability. Reasonable accommodations help alleviate a substantial disadvantage for a person with a disability. This can be an adjustment to how a job is done or to the work environment. Reasonable accommodations should be provided for potential and existing employees, including those who acquire a disability.

The demand should be “reasonable” and not impose a “disproportionate burden” on the employer. All changes and costs should be realistic for the business to bear, depending on several objective factors, namely:

- The nature and cost of the accommodation requested
- The overall financial resources of the employer and the number of employees
- The impact of the accommodation on the operation of the business

1.9 What is psychological safety at work?

Psychological safety, as defined by Harvard Business School professor Amy Edmondson in 1999, is:

“A belief that one will not be punished or humiliated for speaking up with ideas, questions, concerns, or mistakes, and that the team is safe for interpersonal risk-taking”

An example of how psychological safety may feature in a workplace is having a culture where employees feel comfortable to communicate openly about their disability without fear of negative consequences.

1.10 What is Universal Design?

The Disability Act 2005 defines Universal Design as, the design and composition of an environment so that it may be accessed, understood and used:

- to the greatest practicable extent,
- in the most independent and natural manner possible,
- in the widest possible range of situations, and
- without the need for adaptation, modification, assistive devices or specialised solutions, by persons of any age or size or having any particular physical, sensory, mental health or intellectual ability or disability, and
- means, in relation to electronic systems, any electronics-based process of creating products, services or systems so that they may be used by any person.

A useful resource is the [Centre for Excellence in Universal Design](#).



2 Why this Toolkit is Needed

This toolkit is a resource to support employers in creating an Equitable, Diverse and Inclusive work culture, improve workplaces for people with disabilities that supports employees to feel comfortable sharing their disability status.

There are several reasons why this toolkit is needed:

2.1 Improve workplaces for people with disabilities

The toolkit aims to help you get a more accurate picture of who is in your workforce, including those with disabilities who may not have previously disclosed their status. This understanding allows employers to identify gaps in their current processes, evaluate the effectiveness of their disability inclusion initiatives, and make informed decisions on where to focus their efforts.

2.2 Highlight the benefits of disability disclosure

The main benefits of disability disclosure include:

- Improved outcomes for employees and employers.
- To share information so that you can provide reasonable accommodations.
- Enhancements to workplace culture not only by empowering employees with disabilities but also fostering a culture of empathy, innovation, and collaboration.

When these conditions exist in a workplace, employees feel supported and valued so their productivity, job satisfaction, and loyalty to the organisation can increase.

2.3 Explain the challenges associated with employees sharing their disability status

Disability disclosure is often seen as difficult to navigate by both employers and employees. It may be surrounded by a fear of 'getting it wrong' on the part of the employer and of potential negative consequences around disclosure on the part of the employee.

It is an employees' choice if they wish to share their disability status. This can be a very sensitive situation for the employer and

the employee. It is essential that employers create an Equal, Diverse and Inclusive work culture where employees feel supported in sharing their disability status. Line managers should also receive training in supporting all employees. The toolkit highlights the challenges and aims to provide clear and practical approaches to addressing these to improve disclosure rates.

2.4 Provide guidance on how to create the right conditions for disclosure

Maximising the benefits and addressing the challenges of disability data collection are dependent upon creating the right conditions for effective disability disclosure. Disability inclusive workplace policies should be in place in advance of ethical, safe and inclusive disability data collection. This means creating a work environment that nurtures psychological safety, which is essential for fostering a culture where employees feel valued, respected, and free to express their disability without fear of judgment or retribution.

2.5 Educate and support employers

Many employers may not have the knowledge or resources to effectively encourage disability disclosure or to manage the data they collect. The toolkit aims to de-mystify common concerns around the disclosure and collection of data by providing guidance on good practices for encouraging voluntary disclosure of disabilities, respecting employee privacy, and using the data to create more supportive work environments.

2.6 Reliable estimation of the proportion of the workforce that has a disability

Disabilities are under-reported or not recognisable in the workplace for a variety of reasons, including:

- Employers have not created EDI work cultures where employees feel comfortable and supported sharing their disability status
- Many disabilities are not easily discernible and are 'hidden' or 'invisible' to all except the person themselves.
- Disabilities can be episodic such that individuals experience fluctuations in symptom severity.
- Some individuals may not share they have a disability for a number of reasons including stigma or professional repercussions.
- Some do not disclose their disability until accommodations are needed.
- Recruitment practices inadvertently deter people with disabilities from applying in the first place. (Bonaccio et al., 2019)

Capturing reliable data is important for employers and for policy makers to monitor the numbers of people with disabilities in the workforce, and the policies and strategies that are most effective in recruiting and retaining disabled employees.

2.7 Meeting the goals of the UNCRPD

The United Nations Convention on the rights of Persons with Disabilities (UNCRPD) Article 27 Work and Employment sets out shared goals by all UN signatories to improve the rights of individuals with disabilities in the workplace. Researchers and policy makers in Ireland and internationally rely on reliable statistics from small, medium and large enterprises in Ireland to develop policies that will help close disability employment gaps. There is a more detailed discussion of the UNCRPD in Section A 4.5.

Article 4 mandates that States Parties ensure the full realisation of human rights for persons with disabilities by adopting inclusive legislation and abolishing discriminatory practices. It requires governments to mainstream disability into all policy areas and promote the development of accessible technologies and universal design. It establishes a legal duty for states to closely consult with and actively involve persons with disabilities and their representative organisations in all decision-making processes.

2.8 Supplementary training resource

The toolkit also gives guidance on the importance of ongoing education and training. A training module, developed as a supplementary resource to this toolkit, provides practical guidance on implementing the toolkit's recommendations. This training helps organisations in Ireland understand the benefits and challenges of disability disclosure, data privacy, and the legal implications of managing disability-related data. It also offers insights into creating an inclusive workplace culture where employees with disabilities feel there is a safe space to disclose their disability. For more information about specific employer training check [Employers for Change website](#) or contact by email info@employersforchange.ie.



3 Challenges with Disability Data Collection

Some of the main challenges and considerations related to collecting data on employees with disabilities are outlined below:

- **The complexity of compliance with data protection law requirements.**
- **Unclear definitions in staff surveys and uncertainty for employees how to fill them in.**
- **Procedural challenges tied to how disability data should be processed.**
- **A workplace culture where employees feel a lack of psychological safety, which could reduce disclosure rates.**
- **Employees choosing to not share their disability status in the workplace can lead to non-reporting challenges.**
- **Previous barriers or negative experiences related to identifying as having a disability.**

3.1 Data protection law requirements

All organisations must comply with The General Data Protection Regulation (GDPR), which classifies disability status as ‘special category data’ i.e. sensitive personal data. This provides extra protection for disability data over other forms of personal data. It also means organisations must handle disability information with great care, ensuring privacy and confidentiality.

For many organisations, perhaps especially smaller organisations, interpreting GDPR regulations and translating them into best practice, can be challenging. It can be hard for employers to know how to balance the need to collect disability data to foster disability inclusion while also maintaining confidentiality and individual privacy. Employers must be aware of the legal requirements surrounding consent, data minimisation, and secure processing of this sensitive information, adding layers of administrative and operational complexity. Employers must adhere to data protection obligations when processing personal and special category data (refer to Section A 4.1 of this toolkit).

3.2 Procedural considerations

Collecting disability data isn’t just about gathering information; it’s about ensuring the process is compliant and transparent. Organisations need to develop clear procedures for collecting, storing, and using the data. This includes developing policies and

clear communications that inform employees why their data is being collected and how the data will be used. It is important that employees are aware that if applicable under the General Data Protection Regulation (GDPR) 2018 that they can inform their employers that they do not wish their data to be included. Staff, particularly in HR, or those responsible for holding employee data, must receive regular training to remain up to date with these procedures. Without proper procedures in place, there is a risk of non-compliance, which could lead to legal issues and loss of employee trust.

In 2021, the NDA received legal advice in compliance with General Data Protection Regulation (GDPR) 2018 that stated that under

- Article 6(1) (c) statistical personal data can be processed by public bodies that is necessary for compliance with a legal obligation to which they are subject
- Article 6 (1) (e) public bodies can process statistical personal data for the performance of a task carried out in the public interest or in the exercise of official authority.
- Article 9 (2) (j) public bodies can process special categories of personal data (such as health data) where it is necessary for “statistical purposes”.

3.3 Lack of psychological safety in the workplace

As outlined above, psychological safety is crucial for encouraging employees to disclose disabilities. If employees fear stigma, discrimination, or negative career consequences, they are less likely to report their disabilities. This creates a barrier to accurate data collection. The lack of trust between employees and employers can prevent individuals from feeling safe enough to self-identify. To counteract this, organisations must foster a culture of openness and support, where employees feel confident that disclosing a disability will not negatively impact their work experience or opportunities for advancement. Without psychological safety, data collection efforts may be incomplete or inaccurate.

3.4 Barriers of self-identification

Self-identification with a disability is key to collecting disability data. Employees may face personal, cultural, or organisational barriers that discourage them from sharing their disability status. This can include variable awareness about the disclosure process, uncertainty about how the data will be used, or concerns about discrimination. Employers can reduce these barriers by promoting an inclusive culture, providing clear information on how data will be used, and ensuring that the process of self-identification is easy

and confidential. Without addressing these barriers, organisations may struggle to accurately measure disability representation in the workforce.

3.5 Public sector organisational targets for the employment of people with disabilities

Under Part 5 of the Disability Act (2005) public bodies are obliged to increase the recruitment and retention of people with disabilities and to ensure that the public bodies exceed the minimum statutory employment target for people with disabilities. Under Part 5, The National Disability Authority (NDA) has a role to monitor the employment of people with disabilities in the public sector. Under the Assisted Decision Making Act (2015) the minimum statutory employment target increased from 3% to 4.5% in 2024 and 6% in 2025. The NDA has consistently advised the public sector that these are minimum targets and that public bodies need to focus on increasing these minimum targets.

The NDA has also consistently advised the public sector on how to exceed these minimum targets by having a commitment in their corporate strategies to create Equal, Diverse and Inclusive work cultures focused on increasing the recruitment and retention of persons with disabilities and supporting employees to share their disability status. For the 2023 Part 5 process the NDA introduced new questions that succeeded in collecting more detailed data on measures public bodies are implementing to create EDI work cultures.

The NDA has advised public bodies on how to improve their data collection methods. For example, when collecting data on employees, including employees with disabilities, public bodies must comply with Articles 6 and 9 of the General Data Protection Regulation (GDPR) as detailed in Section A 4.1. Public bodies should explain why data is being collected, how it will be stored, and what rights people have under the GDPR (such as the right to be forgotten). Although GDPR is discussed in more detail in the following section, employers are advised to ensure they understand the specifics of the legislation and how it applies to them.



4 Legislation in Relation to Workplace Disability Data

This section provides an overview of some of the main legislative requirements to consider in relation to disability data collection in the workplace. Although not an exhaustive list, the aim is to highlight some of the main laws relevant to disability data, namely:

- The Data Protection Act 2018
- The General Data Protection Regulation (GDPR)
- The Employment Equality Acts (1998 – 2015)
- The Disability Act 2005
- EU Directive on Corporate Sustainability Reporting (CSRD)
- The United Nations Convention on Rights of Persons with Disabilities (UNCRPD)
- National Human Rights Strategy for Disabled People 2025–2030

4.1 The Data Protection Act 2018 and General Data Protection Regulation (GDPR)

This section outlines some of the main considerations for employers when processing sensitive personal data (i.e. special categories of personal data) in relation to employees. This data is governed by The Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Organisations embarking on processing sensitive and personal data, must consider the implications of collecting employee disability data on their existing data protection policies and procedures.

It is recommended to consult with the appointed person/people responsible for data protection in your organisation to ensure that the rights of employees with disabilities are protected when processing their personal information. If you would like additional information, see the Data Protection Commission website.

4.1.1 The Data Protection Act 2018

The Data Protection Act 2018 in Ireland gives effect to the EU General Data Protection Regulation (GDPR) and supplements it with additional provisions specific to Ireland. It sets out how personal data should be collected, stored, and processed by organisations in compliance with GDPR.

4.1.2 The General Data Protection Regulation (GDPR)

The GDPR came into force across the EU on 25 May 2018. This regulation significantly increases employers' obligations and responsibilities in relation to how they collect, use and protect personal data.

4.1.3 Employer obligations

Employers need to have adequate data protection policies and procedures in place for the processing personal employee data. It is also important that employers explain and where necessary, provide information and training to employees on data protection requirements. Best practice is to tell employees about GDPR and provide training or information on the regulation.

4.1.4 Processing of sensitive personal data

Processing of sensitive personal data includes:

- obtaining, recording or keeping data; organising or altering the data;
- retrieving, consulting, or using the data;
- disclosing the data to a third party (including publication); and
- erasing or destroying the data.

The following are some of an employer's obligations when processing sensitive and personal data:

- Be transparent about how employees' personal data is being used and how the data is being safeguarded, inside, and outside the organisation.
- Be accountable for data processing activities and be able to show how data protection principles are being met.
- Keep an inventory of all the employees' personal data on file.

It is also recommended that an employer check to ensure that the organisation has the required explicit consent or another appropriate legal basis to process the sensitive personal data, for example:

- Why are you holding it?
- How did you obtain it?
- Why was it originally gathered?
- How long will you retain it?
- How secure is it, both in terms of encryption and accessibility?
- Do you ever share it with third parties and on what basis might you do so?

See Citizens' Information for more information on the legislative requirements of data protection in the workplace.

4.1.5 Lawfulness of processing sensitive personal data

Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as "special categories" of personal data. Processing of these special categories is prohibited except in limited circumstances set out in Article 9 of the GDPR. Article 9(2) of the GDPR outlines specific conditions for processing sensitive personal data, which include: obtaining explicit consent from the individual; processing being necessary for contract execution; complying with legal obligations; protecting vital interests of an individual or public; serving substantial public interest; and pursuing legitimate organisational interests. Please review the full list of Article 9 (2) to make the assessment if you can rely on a condition to process special category of data.

For further detail, refer to the Data Commission 'Guidance Note on the Legal Bases for Processing Personal Data'. There is also a 'Data Protection Guide for Small Business' published by the EU.

4.1.6 Data retention policy

An organisation must consider how long they will hold an individual's personal data. This will be influenced by several factors including the purpose for which it is being held. Additionally, there may be legal requirements on the organisation, depending on your business type (e.g. medical organisation). As a rule, you should consider keeping the data for the least amount of time possible in accordance with the requirements of the business. You need to ensure that disability data is stored securely while in your possession.

4.2 The Employment Equality Acts (1998 - 2015)

The Employment Equality Acts (1998-2015) promote equality, prohibit discrimination across nine grounds, prohibit sexual harassment, harassment and victimisation; require appropriate measures for people with disabilities in relation to access, participation and training in employment; and allow positive action measures to ensure full equality in practice across the nine grounds. Discrimination in the workplace is prohibited on the following grounds:

- Gender
- Civil status

-
- Family status
 - Age
 - Disability
 - Sexual orientation
 - Religion
 - Race
 - Traveller ethnicity

The Acts also prohibit organisations from unlawfully discriminating against people with disabilities by failing to provide reasonable accommodations. The purpose of providing reasonable accommodations is to enable a person with a disability to:

- have access to employment,
- participate or advance in employment, or
- undergo training

The Acts cover many aspects of employment ranging from equal pay; advertising; terms and conditions of employment to dismissal. It applies to full-time, part-time and temporary employees; public and private sector; vocational training bodies; employment agencies; trade unions, professional and trade bodies; self-employed contractors; partners in partnerships, as well as state and local authority office holders.

4.3 The Disability Act 2005

The Disability Act 2005 places various requirements on Public Bodies in Ireland. Salient provisions for public sector organisations include:

- Section 25 requires that Public Bodies ensure that their public buildings are, as far as practicable, made accessible to people with disabilities not later than 2015.
- Section 26 requires that Public Bodies, where practicable and appropriate, ensure their mainstream public services are accessible for people with disabilities, with Access Officers appointed to co-ordinate arrangements for requests for assistance.
- Section 27 requires that services supplied to Public Bodies are accessible to persons with disabilities unless it would not be practicable or justifiable on cost grounds or would result in an unreasonable delay.
- Section 28 requires that public bodies, as far as practicable, communicate in forms that are accessible.
- Section 29 requires that heritage sites, to which the public has access, are accessible, as far as practicable, to persons with disabilities.
- Sections 38, 39 and 40 specify the procedures for complaints

and inquiries arising out of failures to implement the provisions of the Act.

- Section 47 requires that, in so far as practicable, all reasonable measures are taken to promote and support the employment by Public Bodies of persons with disabilities.

Part 5 of the Disability Act 2005 details the obligations public bodies must promote and support the employment of persons with disabilities. The National Disability Authority (NDA) have published guidance on helping the public sector achieve compliance with Part 5 of the Disability Act 2005.

4.4 EU Directive on Corporate Sustainability Reporting (CSRD)

The Corporate Sustainability Reporting Directive (CSRD) came into effect on the 5th of January 2023. As a result, Companies operating in the EU will have to report on their practices for the inclusion of persons with disabilities and other marginalised groups.

4.4.1 When do European companies need to report by?

The reporting requirements will be phased in over time. The first companies will have to apply the standards in financial year 2024, for reports published in 2025. Small and Medium Enterprises (SMEs) will be required to report in 2026, with a further possibility to opt out voluntarily until 2028. They will be able to report according to separate, proportionate standards that will be developed next year. [More on the Corporate sustainability reporting.](#)

4.4.2 Completing the ‘Double Materiality Assessment’ (DMA)

In preparation for reporting, companies must conduct a double materiality assessment (DMA) to determine whether disability is a material sustainability topic. Double materiality requires companies to assess both financial and impact materiality. This means that companies are obliged to report both on their impacts on people and the environment, and on how social and environmental issues create financial risks and opportunities for the company (European Commission, 2023).

4.4.3 What do European companies need to report on disability?

If disability is deemed to be a material sustainability topic, companies must report against nine standards that enhance

workplace inclusivity and make demonstrable progress towards an equitable work environment. These European Sustainability Reporting Standards (ESRS) in relation to employees with disabilities are as follows:

- S1-1: Policies related to own workforce
- S1-2: Processes for engaging with own workforce
- S1-11: Social protection against loss of income
- S1-12: Persons with disabilities (quantitative disclosures). This includes disclosure requirements S1 – 12 for persons with disabilities:
 - The undertaking shall disclose the percentage of its own employees with disabilities.
 - The undertaking shall disclose the percentage of persons with disabilities amongst its employees, subject to legal restrictions on the collection of data.
 - The undertaking may disclose the percentage of employees with disabilities with a breakdown by gender.
- S1-17: Incidents, complaints, and severe human rights impact
- S2-2: Processes for engaging with value chain workers about impacts
- S4-2: Processes for engaging with consumers and end users about impacts
- S4-5: Targets related to managing material negative impacts, advancing positive impacts, and managing material risks and opportunities

(Disability: IN, 2024)

4.5 The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

4.5.1 What is the UNCRPD?

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) came into effect in Ireland on 19 April 2018. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Article 27 on work and employment which recognises the right “of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities”.

Article 4 on General Obligations, mandates that States Parties ensure the full realisation of human rights for persons with disabilities by adopting inclusive legislation and abolishing discriminatory practices.

4.5.2 What is the ‘Optional Protocol’ to the UNCRPD?

The Optional Protocol is an additional legal mechanism attached to the UNCRPD, a landmark international treaty that promotes and protects the rights of people with disabilities. Ireland ratified the core UNCRPD in 2018, upholding these rights in areas like accessibility, education, employment, and independent living.

The Optional Protocol, however, goes a step further by giving individuals or groups the right to bring complaints to the UN Committee on the Rights of Persons with Disabilities if they believe their rights have been violated under the Convention and have exhausted all available legal remedies at the national level. This international recourse strengthens the enforcement of rights and offers an additional layer of accountability for both governments and businesses.

Most recently, Ireland has announced the acceptance of the Irish government to ratify the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Further information about this can be found on the [Employers for Change website](#).

4.6 National Human Rights Strategy for Disabled People 2025-2030

The National Human Rights Strategy for Disabled People 2025-2030 is Ireland’s plan to advance the realisation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It adopted a whole-of-Government approach to advancing the implementation. Individual Government Departments and State Agencies are responsible for planning and delivering the commitments that come under their remit across five key Pillars:

- Inclusive Learning and Education
- Employment
- Independent Living and Active Participation in Society
- Wellbeing and Health
- Transport and Mobility

Read more:

- About the strategy - [The National Human Rights Strategy for Disabled People 2025-2030](#)
- Employment specific commitments - [Key Commitments under the Strategy](#)
- [First Programme Plan of Action 2025-2026](#)



5 Consultation Process

A stakeholder consultation process was carried out to support the development of this toolkit. The purpose of the consultation was to gather information and lived experiences from a cross section of employers and employees on their experience of disability data collection. The information gained from the consultation process was an important component in the design of the toolkit.

5.1 Consultation methodology

The Consultation process involved holding interviews, facilitating focus groups and discussions with a diverse mix of people involved in workplace disability data collection. The invitation to engage in the consultations was extended to public and private sector organisations. Within these organisations, representatives from Human Resources, Diversity, Equality and Inclusion and disability employment specialists, all from different sectors, were involved in both interviews and a focus group session. Additionally, employees with disabilities and members of disability employee resource groups (ERGs) were also invited to a separate focus group to gain their perspectives. A written feedback form was also circulated to people who were unable to attend the employee focus group.

A total of 11 individuals were interviewed from different organisations and 19 people attended the focus group sessions.

5.2 Sample consultation questions

The following questions are a list of sample questions used in the interviews and focus groups.

- How is disability data collected and recorded in your workplace?
- What initiatives or schemes are there in place to create a safe space to disclose disability at work?
- Are you aware of any tools that are used to collect disability data in your workplace that work well?
- What challenges are there in collecting workplace disability data?
- What benefits does a business gain by having their employees disclose their disability?
- What benefits does an employee gain by disclosing their disability?
- What would you like to see in the toolkit?

5.3 Consultation findings

Below is a snapshot of the key themes emerging from comments and discussions held in the interviews and focus groups as part of the consultation process.

Key Themes from Consultations

Fear of Disclosure

- Employees with disabilities can fear that disclosure will adversely affect how they are treated at work. For example, they fear inequality in pay or promotion opportunities.

Psychological Safety

- A lack of psychological safety is the most cited barrier to disclosure of disability. Creating a psychologically safe environment is a process of trust-building to help employees to feel comfortable disclosing their disabilities.

Options to Disclose

- Having different methods of disclosure increases the opportunities for employees to disclose their needs and may increase disability disclosure.

Reasonable Accommodations

- Views were mixed on reasonable accommodations. Participants working in DEI and those with disabilities reported a need for more awareness about reasonable accommodations. Conversely, some employers thought the accommodations in place were satisfactory.

Training

- There is a need for training for management, people leads and HR on how to approach disability data collection holistically. For example learning how to use appropriate disability language.
- There is room to improve understanding about what reasonable accommodation means for employees with disabilities.

Workplace Culture

- A disability inclusive culture tends to result in employees with disabilities feeling more comfortable to disclose and request support.
- It is important that employees do not fear negative consequences or discrimination.

5.3.1 Theme: Fear of disclosure

Fear of disclosure or sharing a disability was identified by both employees and employers as the biggest barrier to disability data collection. The following are some examples of feedback:



“There is a hesitancy among employees to disclose disabilities due to fears of being overlooked for promotions or facing outdated work practices. Some employees carry negative memories of when they were not supported.”



“It may be easier not to say anything to avoid constant meetings with HR which is draining.”



“Fear of discrimination, loss of government supports, and disability benefit loss.”



“Life may force us to disclose to the employer. The main barrier is the lack of willingness to have an open discussion. Tried to explain the impact of my disability, however, they want to impose their solutions, rather than work with me on what I need.”



“Schizophrenia, bipolar/hidden disabilities... real fear about disclosing, stigma.”



“Requests are low and slow, however if HR respond correctly, it would eventually increase.”



“Employers should stop trying to produce ideas, rather start listening to people with disabilities.”

Others identified the benefits of disclosing disability information, such as the availability of supports provided by the employer as well as peer to peer support



“It supports you to do different roles - provides supports to do my role.”



“People with disabilities are often committed and friendly towards others with disabilities. In an ERG it provides a safe place. You can see and hear from others who have disclosed.”

Employers consistently identified the benefits of disclosing as enabling them to create more inclusive workplaces as well as wider organisational benefits.



“More information.. encourages the employer to enhance their culture and create inclusive workplaces.”



“This could benefit your whole team... benefit the entire company.”



“The Work and Access Scheme... availability of grants.”

5.3.2 Theme: Creating psychological safety

Creating a psychologically safe environment is a long process of trust-building to help employees feel comfortable disclosing their disabilities. Ultimately it is about creating the right culture. Both employers and employees identified several ways of creating and enhancing psychological safety in the workplace.



“Psychological safety is fostered by creating safe spaces where employees feel comfortable to disclose their disabilities. For example, employees have been proud to disclose their conditions after receiving information talks on disabilities, viewing it as a badge of honour.”



“Creating psychological safety starts at the attraction and recruitment stage. Candidates can disclose any necessary accommodations from the interview stage, ensuring they are supported early on. This includes making sure that candidates have the appropriate equipment for online interviews.”



“Employees feel more comfortable disclosing when they see success stories and peer support.”



“Sharing personal stories from employees, such as those living with dyslexia, has proven to be impactful in fostering understanding and creating a supportive environment. Colleagues respond strongly to these personal narratives.”



“Making it clear who to go to and having more than one person who collects data... these help people feel comfortable and supported to share their disability status.”



“Employees may disclose disabilities gradually, particularly with hidden disabilities like mental health or ABI.”

5.3.3 Theme: Options to disclose

The availability of a variety of options to disclose will increase the rate of disclosure. Employers and employees identified a variety of methods of disclosing disability information. They were discussed as formal and informal disclosure methods.

5.3.3.1 Formal data disclosure collection methods

Formal data disclosure collection methods are where the employer formally requests disability data or disability support requirements directly from the employee group. The examples discussed were HR systems, surveys, inclusion/reasonable accommodation passports and through on-boarding.

1 - HR systems: Some organisations use their HR systems to gather data e.g. Workday system.



“Options exist for disclosure through a Workday profile, but the system has limitations... no option for neurodiversity.”



“New HR system being introduced... ensuring I-count is going to be embedded into the new system.... I-count has seven main questions.”

Other organisations reported that they kept their disability data collection separate to general employee data/ that they store this information outside the formal HR system.

2 - Surveys: Several organisations referenced engagement surveys. Engagement levels appeared to vary and were dependent on creating the right environment for disclosure in advance



“Engagement survey (started about 4 years ago).. need to recognise there might be push back initially... but after time... frame it in a more holistic way... tell a bit about yourself.”



“We are asking for the information to see how representative we are and tailor our programme to suit our staff... for example some employees are carers of others at home.”

3 - Inclusion passports: This option arose across several organisations and was perceived positively by those employers and employees who had adopted them. The passport concept allows an employee to identify how best they can work and what supports they need. This is particularly effective in large organisations where employees move departments and must create new relationships with line managers. It also allows the organisation to create policies and procedures that support inclusion.



“A reasonable accommodation passport isn’t specific for those with disabilities... what would help you work best during the day and what this means on a support scale... Experience is this has been really good.”



“Inclusion Passport... 2 page document... fill it out once and travels through your work at the Bank... What supports do you need to do job well... encourage all employees to fill out the passport.”

4 - Smaller organisations: They may frequently collect their disability data through the on-boarding process. This may be with a new starter form or with one-to-one meetings with manager.

5.3.3.2 Informal data disclosure collection methods

The focus groups found that informal data disclosure collection methods can include an 'open-door' approach at work where employees feel comfortable to approach HR or their manager with personal information such as challenges they are facing in their job role. Having more than one person who you can discuss your disability also increases disclosure rates.

Informal information can also be elicited indirectly, where other discussions are taking place. An example is where an organisation shows how welcoming pets to the workplace led to an increase in disclosure:



“We welcome pets into the science studio... including therapy pets... there is an application form to avail of this... sometimes disclosure comes through this application.”

5.3.4 Theme: Reasonable accommodation

The consultation process showed a notable divergence of views between employers and employees regarding availability and perceived effectiveness of accommodations on offer.



“An employer needs to be equipped to follow through with reasonable accommodations for the employee after they have disclosed or requested help or support at work. An employer should not be afraid to explore reasonable accommodations with the employee even if it's as new to the employer as it is to the employee.”



“Small firms... lack of time and resources for reasonable accommodations.”

Employees were also positive in their views that collecting their data would lead to more reasonable accommodations.

5.3.5 Theme: Training

Training and awareness raising go a long way to creating an inclusive environment. Both employers and employees identified a need for training for management, people leads and HR on how to approach disability data collection in a holistic way. For example, learning how to listen to employees and learning sensitivity around the use of disability language so the right language is used in communications.



“A need for training for HR on what reasonable accommodation means in the workplace and the obligations to offer reasonable accommodation to employees with disabilities.”



“Line managers and people leads undergo gamified People Leadership Training to help them address concerns about team members... for example identifying if someone becomes quiet or disengaged in work.”

5.3.6 Theme: Workplace culture

Several participants in the consultations identified the importance of creating the right culture and environment.



“Creating a workplace culture that is equitable, diverse and inclusive is core.”



“Identify what are the things that can help an employee feel supported?”



“The culture which develops in the workplace relates with people bringing their whole selves to work and being more open with their managers and colleagues about their disability or life experiences.”



“A workplace culture that supports employees with disabilities is a workplace that understands and values its employees as a whole.”

Section B

A four-stage approach to best practice workplace disability data collection



This section gives an overview of a phased approach to best practice in disability data collection. It recognises that your organisation will be at a different stage to other organisations with different resources. Although a phased approach which includes implementing each of the actions is consistent with best practice, you can select which actions would be most valuable to mature your disability inclusion journey. The discussion focuses on the following:

1. The importance of leadership in creating an accessible workplace
2. Suggestions to enhance psychological safety at work
3. Processing personal employee disability data.
4. Ongoing data management and continuous improvement to further enhance disability inclusion within the workplace.



Stage 1: Leadership alignment and commitment

There are several steps that an organisation can take to create an accessible workplace to support employees with disabilities. A supportive environment will provide the right conditions to enhance psychological safety in the workplace.

1.1 Introduce senior leadership commitment

Before embarking on a data collection exercise, getting commitment from senior leadership is required to ensure the successful implementation of accessibility initiatives within your organisation.

It involves dedicating resources (such as people; annual budgets and time commitments), while also steering company goals and plans towards this workplace culture change.

This should be backed up with clear communication throughout the organisation to ensure that everyone is aware of the commitment from senior management.

1.1.1 Suggested actions:

1. Leadership within the organisation should ideally establish a clear vision and goals to enable the creation of a disability inclusive environment.
2. Senior leaders should be directly involved in the development of any relevant implementation strategy and Framework and/ or a Clear Disability-Inclusive Policy and Action Plan and demonstrate leadership in its implementation
3. Senior leaders within the organisation should visibly champion accessibility to allow the creation of a supportive and inclusive culture.
4. The Leadership team should identify budgets and resources to allocate to accessibility to allow the creation of a supportive and inclusive culture
5. Senior leaders should also endorse the introduction of reporting and monitoring mechanisms to assess progress towards accessibility goals and iterate accordingly.

Reporting of disability data is further explained in Section B 3.5 of this toolkit.

1.2 Appoint an access champion/team in your organisation

An inclusive workplace culture ideally should be everyone's goal within an organisation. However, you should appoint a team with overall responsibility for accessibility in your organisation to champion the development of a disability inclusive workplace. Smaller organisations may appoint an 'Access champion' as an alternative.

1.2.1 Suggested actions:

1. Appoint someone with overall responsibility for implementing workplace culture change in relation to accessibility.
2. Identify training requirements for anyone appointed to the role.
3. Establish Access Team representatives within the organisation and agree terms of reference, aims and objectives.
4. Promote the role of access team members as points of contact throughout the organisation.
5. Ensure access point of contacts establish on-going consultation mechanisms with employees with disabilities.
6. Within the public sector, all departments are required to appoint a Disability Liaison Officer and/or an Access Officer to support staff with disabilities and their line managers in relation to accessibility matters.

1.3 Carry out accessibility and disability equality training

If you have an access team or working group, it is helpful to provide training on accessibility, Universal Design and EDI work cultures. Training may include issues such as: why accessibility is important, models of disability; legislation overview and accessible service delivery, human rights and equality. It can also include presentations on national and international good practice and case studies, where such activities can inform your approach.

1.3.1 Suggested actions:

1. Identify training providers to assist in the delivery of the training. Good practice is to have the training programme developed in consultation with people with disabilities and if possible, for the training to be led by someone with lived experience or with extensive knowledge of disability.
2. Work with the trainer to ensure the training is tailored to your organisation's needs.
3. Roll out training to access team/working group.
4. Ensure the trainer provides follow up and relevant resources after the session.
5. Check the Employers for Change [practical toolkit for Advancing Disability Awareness, Equality and Inclusion Training in the Workplace](#).

1.4 Assess the current workplace environment

To successfully embed accessibility and Universal Design within an organisation, all aspects of the organisation's operations need to be assessed. This involves:

- Identifying all areas that accessibility impacts on within the organisation (e.g. Service delivery; Procurement; Information Provision; People and Talent, Learning and Development).
- Identifying the key services being provided by the organisation (e.g. Products; Events; Customer services; Exhibitions; Admissions).

If you have the resources, best practice would be to create a high-level benchmarking exercise to identify how accessibility is currently been implemented in your organisation. This assessment should consider national legislation; policies that impact on field.



Figure 1 Key areas for assessment – Benchmarking your organisation.

To support this review, employers may find the [Widening Inclusion of Disability in Employment \(WIDE\) Framework](#), launched by AHEAD and Employers for Change in October 2025, helpful. It is a practical framework that supports employers to assess current disability inclusion practices, identify gaps, and plan next steps.

Some of the measures coming from his benchmarking exercise could include:

- Embedding accessibility into your strategy documents and reporting on an annual basis.
- Setting up on-going mechanisms to consult with people with disabilities, Disabled Persons' Organisations (DPOs), Disabled Persons' Representative Organisations (DPROs).
- Carrying out physical access audits of your buildings.
- Introduction of a reasonable accommodation policy.
- Carrying out a website audit and putting an accessible communication plan in place.

1.4.1 Suggested actions:

1. Identify key colleagues who need to be involved in the process.
2. Provide initial meetings and workshops to allow all participants to get a good understanding of the process.
3. Carry out the benchmarking process. This could include site assessments; interviews; focus groups; surveys; consultations etc.
4. Liaise with people with disabilities and identify current shortcomings and gaps.
5. Prepare a report of findings and present to key stakeholders.

1.5 Develop an accessibility policy and plan

Your organisation's accessibility policy and plan will be informed by findings from the benchmarking exercise. It will be important to develop an implementation strategy and framework, a clear disability-inclusive policy and action plan to manage the implementation of your organisation's actions. Typically, an action plan will identify who is responsible for overseeing the changes, timelines, budgets and reporting mechanisms. The plan should also include vision statements and purpose; clear goals and objectives; legal policy frameworks and commitment to stakeholder engagement and on-going consultation.

1.5.1 Suggested actions:

1. Establish timeframes for the creation of the policy and action plan.
2. Define clear objectives; goals and priorities based on the findings from the benchmarking exercise.
3. Outline the key actions to create the right work environment for all (including goals; steps; timeline and resources).
4. Create awareness about the plan and support its implementation with relevant communication, training and awareness raising initiatives.
5. Ensure regular monitoring and reporting to leadership team or senior management.



Stage 2: Creating psychological safety in your workplace

Psychological safety is a key factor in whether people disclose a disability at work. It, therefore, requires particular attention when you are considering a disability data collection exercise. Creating psychological safety in a workplace is about fostering an environment where employees feel safe to take risks, voice their ideas, and communicate openly without fear of negative consequences. There are numerous ways to create this in a work environment, some of which are explored below:

2.1 Lead by example

Leaders in the workplace such as team leads, people managers and line managers should role model an inclusive approach and welcome feedback from people about how to improve accessibility, inclusion and psychological safety.

2.2 Encourage communication

Consider more ways for employees to communicate with management. Methods may include suggestion boxes, regular one-on-ones, and surveys. This would encourage open communication for common themes and team insights. When managers respond, it demonstrates that the team's input matters and is taken seriously.

2.3 Provide training

Provide specialist training that covers how to create psychological safety to foster a work environment where people do their best work. For example, training could include highlighting the importance of creating an environment where employees feel they are safe to express ideas.

2.4 Develop a document outlining core values of teams

Develop a simple document which sets out the team norms emphasising respect, inclusivity, and support for employees. Team norms establish clear, agreed-upon behaviours, how the work will get done, and what team members can expect of each other leading to a 'ways-of-working' document.

2.5 Develop and encourage the use of a 'Reasonable Accommodation Passport'

A Reasonable Accommodation Passport allows an employee to explain the impact of their working conditions on them, given

- their personal circumstances. Those who are given permission
- to view the employee's passport (for example line managers and
- people leads) will see the employee's personal requirements and
- accommodations in relation to their workplace The passport allows
- for complete transparency and understanding of the employee's
- unique needs, aiming to nurture their psychological safety. The
- passport scheme is discussed in Section B 3.2.1 of this toolkit.

2.6 Develop more inclusive meeting protocols

- Communication methods in meetings may impact how employees
- feel in voicing their ideas and thinking. To address this, a workplace
- could carry out a review of all communication and meeting
- formats to ensure they are inclusive and accessible to everyone.
- Outputs may include alternative meeting communication methods,
- for example: video recaps or meeting transcripts or allowing
- contributions through chat and verbal channels to accommodate
- different communication styles.

2.7 Give constructive and supportive feedback to employees

- Psychological safety can be developed by creating opportunities
- for employees to receive constructive and supportive feedback
- on projects, and on their behaviours and performance. This can
- establish a safe environment where feedback and enables the
- employee to progress in their role and tasks.

2.8 Introduce wellbeing check-ins

- Leaders can check-in on employee well-being, not just on their
- work performance. Communication should involve open-ended
- questions like, "How are you feeling about your work lately?"
- and "Is there anything we could improve on together?". This can
- build trust and psychological safety between employees and their
- leaders or managers.

2.9 Organise team-building activities and harness peer recognition

- Organising team events can harness trust, comradery and respect
- in a team environment. These events can be beneficial in creating
- bonds within teams. Additionally, making peer recognition a regular
- part of team culture, highlighting examples of teamwork and
- collaboration, can help develop psychological safety. For example,
- team leads can encourage congratulating of team members on the
- organisation's communication channels.



Stage 3: Processing disability data in the workplace

Disability data is sensitive personal data. This section provides practical guidance on how to collect, organise, store, report, and communicate data of employees with disabilities.

3.1 Preparing for data collection

1. You should ideally consider the following when preparing for data collection:
2. Consult with your Data Protection Officer (or person responsible for data protection in your organisation) to ensure that the proposed sensitive personal data collection exercise complies with data protection legislation as outlined in Section A 4.1 of this toolkit.
3. Identify the method of data collection you intend to use. Some of these are outlined in Section A 4.
4. Decide on the wording of questions to ask, and if anonymous or not.
5. Inform employees properly of the upcoming data collection exercise in accordance with employer obligations.

3.1.1 Consult with the person responsible for data collection

It is important to consult with the organisation's Data Protection Officer/person responsible for GDPR compliance before disability data is collected. It may be necessary to appoint people in your organisation to process the employee personal data that you propose collecting, for example HR personnel. More information on the role of the Data Protection Officer can be found on the Data Protection Commission website.

3.1.2 Identify the method of data collection you intend to use

There are several methods to consider which are explored in detail in Section B 3.2.

3.1.3 What type of questions to ask when collecting data

Deciding on what type of questions are asked is reliant on the reasons for lawful processing as explained in Section A 4.1.5. The questions asked will be dictated by what type of data your organisation wishes to collect as a means of legitimate interests. The principle of data minimisation dictates that you should only collect the level of information necessary to achieve its purpose. Explore Article 5 (1) of GDPR. Below are samples of employee questions an organisation may consider in collecting disability data in the workplace.

1. Do you have a disability, condition or illness?
2. What disability, condition or illness do you have?
3. If yes to either of the above, are there any reasonable accommodations you would like us to consider?

Disability data collection question themes can include:

- Disabilities, health conditions or difficulties.
- Accessibility needs of employees with disabilities.
- Barriers to participation in work or accessing services or information at work.
- Requests for reasonable accommodations.

3.1.4 What to inform employees about before collecting data

As per Article 29 Working Party (WP29) which covers the obligation of transparency concerning the processing of personal data under the GDPR, organisations are responsible for communicating their methods and use of data collection. Prior to collecting data an employer must inform employees (data subjects) of the following:

- What personal data will be collected (or if it will be collected by a third party).
- What purpose is the data being collected for.
- How the data will be processed.
- What legal basis you rely on to legitimise the processing.
- Whether or not the data will be disseminated to other organisations or individuals.
- How long the data will be stored.
- The existence of the employee's rights under data protection, including - for example - the rights to access, correction, erasure, restriction, objection, portability, and to lodge a complaint with the Data Protection Commission.

3.1.5 How and when to inform employees of data collection

Informing employees of data collection should take place at every instance of collecting their personal data. There are different stages you can inform employees of data collection for example: before an interview, at recruitment stage, during on-boarding, or before a disability or DEI campaign/survey. Your organisation should notify employees in advance of an upcoming data collection exercises, for example on your intranet, via company-wide meetings, online newsletters, or awareness raising campaign. The notice should also reference the organisation's data protection policies and procedures.

3.2 Collecting the data

This section outlines the ways in which you can collect disability data in your workplace. Disability data may be gathered using direct methods where you ask the employee for disability data, or via indirect methods where the primary purpose is not asking for disability data and disability information emerges from other workplace processes. These could include carrying out a health & safety procedure, through discussions such as promotion interviews, open-door conversations or through an employee complaints process. If data emerges from these sources, it must be processed appropriately and lawfully.

3.2.1 Direct methods of disability data collection

Employee self-identification surveys

Effective self-identification processes typically involve online survey forms that enable employees to voluntarily disclose their disability or disabilities. They can be tailored to better understand a person's disability and what reasonable accommodations are required.

Anonymous employee surveys

Anonymous surveys are useful where the goal of the organisation is to collect estimated figures of employees with disabilities.

Job candidate/job applicant tracking systems

Many application tracking systems allow job applicants to voluntarily disclose disabilities during the application process. This helps employers ensure that reasonable accommodations can be addressed for individuals. Smaller organisations can ask prospective candidates directly if they require accommodations during the recruitment process.

Induction and onboarding forms

A 'get to know you' form could be designed for employees who are joining the company or organisation which could encompass a variety of questions about their demographic, ethnicity, culture, gender identity as well as their disability, health, condition or illness.

Annual self-ID campaigns

Many larger companies collate disability data through annual self-identification campaigns. The goals of these campaigns may go beyond collecting disability data and act as a means of measuring the company's progress against their DEI initiatives. The Open Doors Initiative can provide DEI survey templates.

Workplace reasonable accommodation request systems

Organisations may have a reasonable accommodation request system as part of a digital platform, HR system or it could be a simple online form. Reasonable accommodations can include providing assistive technology, flexible work arrangements, alternative meeting arrangements etc. These requests can be updated by employees as their needs change. Overall, these systems provide valuable information on the nature and management of disabilities within an organisation. It is important to have clear procedures for reasonable accommodations and for those to be followed.

Inclusion Passport/Reasonable Accommodations Passport Scheme

An employee may also disclose their disability or condition through the process of obtaining a workplace inclusion passport or reasonable accommodation passport. For context, the Irish Congress of Trade Unions and IBEC launched the Reasonable Accommodation Passport scheme. Reasonable Accommodation Passports are designed for disabled employees who require workplace adjustments or accommodations. It is a written record of accommodations or workplace adjustments that have been agreed between the employee and their employer (line manager or designated contact within the organisation). They are 'live' confidential documents agreed between an employee and their employer about changes to work, with a built-in review period to ensure they reflect the current situation for the employee in the workplace. Employers for Change have published content on the passport launch and what it entails.

Diversity and inclusion audits

Engaging in a diversity and inclusion audit of the workplace may create an opportunity to circulate an online survey to employees to learn more about their backgrounds, culture, ethnicity, health and/or disability. Having a diversity and inclusion audit may

also encourage the need for a workplace to advertise a 'drop-in session' or 'self-id session' for people to disclose their workplace needs or request for reasonable accommodations with HR professionals or their line managers.

3.2.2 Other methods of disability data collection

The following methods are scenarios where employee disability data may also be gathered. The primary purpose in these instances is not asking for disability data, however an employee may still voluntarily disclose their disability in these situations:

Performance Reviews

A performance review process provides an opportunity to discuss the employee's needs. This could include workplace accommodations and accessibility needs. The review procedure could include questions on whether the employee feels adequately supported in achieving their performance goals.

Health and Safety Procedures

- **Ergonomics assessment:** During a workplace ergonomics assessment, a person may request workplace equipment provisions to meet their disability needs.
- **Personal Emergency Evacuation Plan (or PEEP):** A Personal Emergency Evacuation Plan (or PEEP) is a tool for agreeing and documenting evacuation arrangements for employees or regular visitors to a building, particularly if they have a disability. Offering all employees the opportunity to design their own PEEP may result in employees coming forward and disclosing their disability. A sample PEEPs form is available from the Health and Safety Authority of Ireland, or the National Disability Authority.

'Open-door' policy through conversations with Manager or HR

The purpose of an open-door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. When employees are aware a policy of this nature is in place, they may use the open-door opportunity to approach their manager or HR and discuss their disability needs.

Employee complaints reporting via HR or management

In some scenarios, a complaint received from an employee may result in a disclosure of disability for example if they feel their workplace is inaccessible and have explained their reasons why in relation to their disability.

3.3 Organising the data

Disability data must be processed in accordance with data protection legislation, as outlined in Section A 4.1. It is important to choose a data management tool to organise the collected data that has restricted access. For example, disability data can be represented in a live tracking system for individual employee records or software used for reasonable accommodation processing. This information should be accessible to each individual employee so amendments to their disability and needs can be updated. Smaller organisations may manage employee disability information and reasonable accommodations within the employee HR files. If employees are unable to make alterations themselves on a HR system or file, the organisation must allow employees the opportunity to have their details changed at any stage based on their personal needs. It is also important to ensure employees are aware they have the opportunity to access their information under data protection legislation.

Categorising the employee disability data can involve representing the findings in an anonymous way via tables, charts and statistics. For example, the results of the employee self-identification forms could be anonymised and presented for the Diversity Equality and Inclusion manager, board of directors or the company's recruitment team.

The results may also be required by the person responsible for ensuring targets of staff recruitment are met for example the organisation's recruitment manager and compliance manager.

3.4 Storing the data

Strict adherence to GDPR and data protection is required for storing data. An employer must ensure all employee personal data is private and safe and that they are actively safeguarding employee data. The security of processing data refers to Article 32 of the GDPR which highlights the obligations of an organisation's data controller and processor in preventing data security risks. For example, if collecting employee disability data via online formats using digital software, the following are security features an organisation's data controller and processor should consider:

- Choosing a data management and processing software system that is encrypted and safe.
- Ensuring the regularity of testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.
- There are clear guidelines for who has access to the personal

data of the employees.

If collecting disability data in person for example in a meeting or through a conversation with HR, the data recorded whether it is through hand-written notes or a typed note after the meeting or conversation should also follow strict GDPR and data protection law. There should be informed consent from the employee and there should be a legitimate reason (see Section A 4.1 of this toolkit) to record sensitive personal data from a meeting or conversation. This type of data recording may involve the following steps:

- Ensuring physical notes are in a secure system where only those who need access, have it.
- Ensuring the meeting notes are transcribed onto a digital format which could be important in the event of an employee requesting access to their information.

For further information on data security guidance such as encryption, anti-virus software, firewalls, software patching and remote access etc. refer to the [Data Protection Commission website](#).

3.5 Reporting the data

Public sector organisations are required to report their statistics on employees with disabilities to the National Disability Authority (NDA) who are responsible for monitoring compliance with Part 5 of the Disability Act 2005. Part 5 is further explained in Section A 4.3 of this toolkit.

To note: the Corporate Sustainability Reporting Directive (CSRD) will place an obligation on large, medium, and small companies to report their employee disability statistics to the Irish Government. It is noted that the CSRD must be implemented by the EU Member States by July 6, 2024, with various deadlines up to 2028 depending on company size and turnover.

3.6 Communicate data collection findings

When communicating data collection findings to your workforce, it is important to do so in a way that:

- Maintains confidentiality unless you have consent to share any information.
- Encourages a sense of belonging and shared accountability where inclusion and accessibility are 'everyone's business'.
- Demonstrates how you are making your workplace more inclusive and accessible with the data you are collecting.
- Encourages increased data disclosure and, where required, reasonable accommodations.
- Demonstrates steps to improve inclusion or reasonable

accommodations where data suggests it is needed.

3.7 Tips and Takeaways

Please see below some tips and takeaways relevant to collecting, reporting and communicating disability data:

Create a psychologically safe workplace culture first

- Assess the current workplace culture to identify any shortcomings or issues preventing the workplace from being an inclusive and supportive environment for employees with disabilities and conditions.
- Engage in DEI initiatives that enhance the inclusivity of the workplace and support people from different backgrounds, ethnicities, cultures and with different abilities, disabilities and conditions.

Universally designed tools

- Design surveys, forms and online systems to be universally designed and inclusive. For example, they should be accessible to employees who use assistive technology and employees with various types of disabilities including visual, hearing, cognitive and mobility impairments.
- Engage in a variety of data collection methods: anonymous surveys, inclusion passports, reasonable accommodation request sessions with HR, drop-in sessions, self-id campaigns, open door policies and approaches.

Confidentiality and sensitivity

- Ensure that all data collected is kept confidential and used only for the intended purposes, such as improving workplace inclusivity.
- Ensure the commitment to confidentiality is clearly conveyed to employees before their data is collected.
- Use sensitive data in an ethical manner that respects the organisation's policies.

Optional anonymity

- Where possible, allow employees the informed decision to select anonymity when filling in company surveys and forms.
- Ensure the employee understands the benefits of disclosing their disability in a self-identification form.
- Respect employees' decision to remain anonymous.
- Communicate how employees' personal data is collected, stored, managed and used. Always allow options to opt out.



Stage 4: Continuous Improvement and Disability Data

Your organisation can measure progress on an ongoing basis by monitoring the data gained from surveys and data collection exercises. This will allow your organisation to track progress, for example measuring whether disability disclosure rates or requests for reasonable accommodations increase overtime/annually. If there is a decline in these rates, it can indicate to an organisation the need to adjust by improving on disability inclusive practices. During the consultation sessions, some organisations reported that disability disclosure rates and reasonable accommodations increased overtime.

4.1 Establish Employee Resource Groups (ERGs)

One way to improve accessibility is to use disability data to explore the feasibility of an ERG focused on inclusivity. An ERG can be made up of a group of interested individuals who can focus on how to improve the workplace and better support employees from minority groups. Such groups will ideally have a reporting line to more senior leadership and representation from across the organisation, including managers. One example is a large firm with an ERG for parents and carers of people with disabilities.

4.2 Gathering feedback on disability-inclusive workplace culture

After disability data collection, it may become apparent from the findings that there are issues or challenges with disability disclosure, accessibility barriers, or reasonable accommodation requests in the workplace. Employees should be asked for their perspectives on this. You can use feedback and data analysis to create a more disability-inclusive workplace. As discussed below, you can gather employee perspectives on inclusive workplace culture by carrying out surveys, focus groups or semi-structured interviews.

4.2.1 Employee surveys

Engaging employees in feedback mechanisms such as gaining perspectives from a satisfaction survey, may expose whether

employee disability needs are being met in the workplace. The following is a list of sample questions you may choose to use in your employee satisfaction surveys.

- Have you shared your disability with us? (Please explain why/why not)
- Have you asked for any accommodations or work adjustments? (If yes, describe how they were helpful.)
- To what extent do you feel comfortable sharing your disability with your Manager, HR or others at work?
- When you applied for your role with us, did you experience any barriers during the recruitment/onboarding process? (If yes, what were they?)
- Do you feel we have provided you with reasonable workplace adjustments and accommodations to do your job effectively?
- What do you think our organisation does well in supporting employees with disabilities?
- How can we better support our employees with disabilities?
- How could we make our culture more disability-inclusive?
- What changes would you make in relation to our approach towards disability inclusion or supporting disabled employees?
- In what ways can the organisation improve its communication and awareness about disabilities and inclusion?

4.2.2 Exit interviews

Exit interviews can be used to gather feedback when an employee is leaving the company. They can provide information about employee experiences in an organisation. It is also important to note that an exit interview and survey can also be utilised when an employee is not leaving the organisation but is instead transitioning roles, moving department or taking a promotion to a different role.

4.2.3 Focus group sessions and discussions

Focus groups can be used to collect qualitative data from employees. Facilitating a disability focus group specifically for example with a DEI Employee Resource Group, could provide information about the effectiveness of a workplace's policies, accommodations, reasonable adjustment processes and cultural perceptions on inclusivity, diversity and disability.

4.3 Stay informed on legislative obligations and best practices

Your leadership team or an individual within your organisation (for example a compliance manager or an HR manager) should be aware of legislation changes relevant to disability disclosure.

It is important to ensure that those responsible for gathering and processing sensitive personal data are trained in how to do it in a secure and compliant manner.

4.4 Provide specialist training and awareness initiatives

After data collection, you can identify if there are any gaps in practice whereby enrolling employees in training would help. There may, for example, be a need for GDPR refresher training and an organisation should keep a training record for new and existing employees.

4.5 Allocate funding to enhance accessibility at work

The findings of a disability data collection exercise may indicate the need to allocate more funds to meet the needs of employees with disabilities. Your organisation's development goals may include increasing budgets to assess the workplace for levels of accessibility, for example auditing the organisations services, documents, IT and buildings against best practice accessibility standards. The aim of these audits is to enhance workplace accessibility, ultimately making a more inclusive or universally designed work environment for employees.



Factsheet: Disability Disclosure for Small Businesses

If you are working in a smaller business, or a business with fewer resources, you may be looking for options to make improvements on a smaller scale. This document outlines some legal considerations and gives a list of tips for consideration. You can read this in conjunction with Section B 6 which has several useful resources.

5.1 Legal requirements and considerations

The Employment Equality Acts 2018-2005 govern all workplaces. Under this legislation, discrimination is illegal. Further, since disability data is sensitive personal data, Data Protection and GDPR legislative obligations apply to protect the rights of employees with disabilities. Such data is strictly confidential and needs to be handled accordingly.

See the [Data Protection Commission website](#) for more information.



Tips

- Remember that disability disclosure is voluntary
- If a disability is disclosed and additional supports requested, accommodations must be provided where it is reasonable to do so.
- There is a free self-assessment checklist available to assess your GDPR readiness.
- Store physical records in a locked cabinet and/or use password-protected files for digital data. You do not need to pay for specific HR software or reasonable accommodations platforms. You can keep a confidential note of any disability disclosures.

You should be aware that there are different expectations between smaller organisations and larger organisations under the Corporate Responsibility Sustainability Directive such as reporting timelines and opt-out arrangements. More information on this can be found on the [European Commission website](#).

5.2 Policies and procedures

Tips



- Focus on essential data collection questions such as:
- Do you identify as having a disability?
- Are there any reasonable accommodations we could consider making?
- By making inclusion, accessibility, and psychological safety 'everyone's business'/a strategic priority for your organisation, you can encourage disability disclosure. For example, by making recruitment and HR processes inclusive.
- Build on what you are already doing to support reasonable accommodations in the workplace.
- Consult with your workforce to get insight into how to enhance policies and procedures to make them more inclusive.
- Allocate someone/a group to keep track of EU and national legislative changes that require you to update your internal policies and procedures.

5.3 Making your workplace more inclusive

Disability disclosure rates tend to improve when your workplace culture is psychologically safe and inclusive. To build a more inclusive culture you need to ensure leaders and managers role model a commitment to inclusion and accessibility. Although training can help to build awareness about how to create a more inclusive culture, it need not be cost prohibitive and there are various low or no-cost options:

Tips



- Employers for Change have supplementary training to complement this toolkit.
- Use free tools like Google Meet, Zoom or Microsoft Teams and their captioning tool for meetings, or accessibility-friendly fonts for documents.
- Consider free tips and digital accessibility checkers online to improve on the accessibility of job adverts, interviews and application forms. Can someone with a disability easily apply?
- Invite feedback from your workforce on disability and accessibility, demonstrating what you plan to do to address it. If you want to survey your workforce, use encrypted online survey platforms such as Survey Monkey, Microsoft Forms or Google Forms where data can be anonymised.

5.4 Improving data disclosure over time

Tips



- Track simple metrics, such as response rates and progress over time such as: How many employees disclosed a disability? What, if any, reasonable accommodations were put in place?
- Communicate progress towards accessibility goals and consider offering more targeted training where required.

6 Useful Resources

6.1 Grants and financial support

For further information on The Department of Social Protection's 'Work and Access Scheme' there are [operational guidelines published](#). 'Work and Access' has replaced 'the Reasonable Accommodation Fund' and 'the Disability Awareness Support Scheme'.

Additionally, for further information on The Department of Social Protection's 'The Wage Subsidy Scheme' there are [operational guidelines published](#). Employers for Change also have [information for businesses on how it works](#).

Lastly, there are also [entitlements and hearing aids grants](#) via Chime which is The National Charity for Deaf and Hard of Hearing People.

6.2 HR digital systems and software

[Disclo: Software designed to make workplace accommodations seamless](#)

[Workday: System software company for HR and finance](#)

6.3 Reasonable accommodations for employees

[Guide to Reasonable Accommodations by Employers for Change](#)

[Reasonable Accommodation Passport Scheme by Employers for Change](#)

[Reasonable Accommodation Passport June 2022 by Employers for Change](#)

[TextHelp: Digital tools for inclusive learning and working](#)

[Health and Safety Authority guide to display screen equipment in the Safety, Health and Welfare at Work \(General Application\) Regulations 2007](#)

[Health and Safety Authority Risk Assessment Worksheet Template for Display Screen Equipment](#)

6.4 Workplace and team assessments

[Psychologically Safe Team Assessment](#)

[Psychological Safety Works](#)

[IBEC Accessibility Toolkit and Assessment](#)

[Psychological Safe Leader Assessment](#)

[Widening Inclusion of Disability in Employment \(WIDE\) Framework](#)

6.5 Workplace data protection

[General Data Protection Regulation \(GDPR\)](#)

[Data Protection Act 2018](#)

[Data Protection Commission \(DPC\)](#)

[Citizens Information on Data protection in the workplace](#)

6.6 Relevant legislation

[Disability Act 2005](#)

[Employment Equality Act, 1998](#)

[S.I. No. 299/2007 - Safety, Health and Welfare at Work \(General Application\) Regulations 2007](#)

[Corporate Sustainability Directive 2022](#)

[Convention on the Rights of Persons with Disabilities | OHCHR](#)

[The National Human Rights Strategy for Disabled People 2025-2030](#)

6.7 Organisations

[Open Doors Initiative](#)

[Employers for Change: Employer Disability Information Service](#)

[National Disability Authority](#)

[Centre for Excellence in Universal Design](#)

[AsIAm](#)

[Neurodiversity Ireland](#)

[Guarding Minds @ Work](#)

[About Us - DPO Network](#)

[Disability Federation Ireland](#)

[National Platform of Self Advocates](#)

[Independent Living Movement Ireland](#)

[Irish Deaf Society](#)

[Disabled Women Ireland](#)

6.8 Useful publications and worksheets

[Autism Innovation Strategy](#)

[Disclosure Toolkit by Employers for Change](#)

[Employer Toolkit by Employers for Change](#)

[Disability and Employment Policy Paper by Employers for Change and IBEC](#)

[Guide to Creating Successful Self-ID Campaigns to Foster Inclusion \(Seramount members only\)](#)

[Full list of Additional Toolkits, Guides & Resources from Employers for Change](#)

[CAN/CSA-Z1003-13/BNQ 9700-803/2013 National Standard of Canada Psychological health and safety in the workplace - \(reaffirmed 2022\)](#)

[Guarding Minds @ Work Resources and Worksheets](#)

[Psychological Health and Safety Tools](#)

For examples of staff survey forms see [National-Disability-Authority-Review-of-Part-5-2022.docx](#) Page 107 - 112

7 Appendix: How and when to inform employees of data collection

Informing employees of data collection should take place at every instance of collecting their personal data. The table below provides several methods an employee may be informed about personal data collection in the workplace.

On-boarding

GDPR requires that certain information must be supplied to job candidates, before their personal data is collected and processed. This information must be clear and accessible and may be a privacy notice on the organisation's website and a letter or email to the candidate. Employee training on data protection policies takes place once the candidate is an employee.

Policies and Training

Employers should have a data protection policy in place and provide training to employees on GDPR. Employees should already be responsible for reading and understanding the company's internal policies during their induction training and on-boarding process. This will give an employee the task to read policies specific to data management.

Workplace Notices

It is good practice for a workplace to have a Data Protection Notice displayed on the premises such as in the office. This will not only communicate to employees but act as a reminder of how the organisation or company processes and manages data about their employees

Campaign Notices

When introducing a self-ID campaign for disabled employees to independently come forward with their disclosing their disability or needs, it is recommended that advertisement of the campaign should be communicated to staff via the companies chosen communication platforms for example intranet, email, digital information boards, physical information boards etc.

Townhalls or awareness raising campaigns

Awareness raising sessions to highlight how the organisation is creating a disability inclusive workplace and addressing accessibility is an important method to get the information disseminated within the organisation. This could be addressed through the Accessibility Employee Resource Group; at townhalls; via notice boards and online newsletters; as part of Diversity and Inclusion initiatives and through the company's intranet.

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9 Acknowledgements

This toolkit has been funded by the Department of Children, Disability and Equality. We are thankful for their continuous support of this important work.

We want to express our gratitude to the team at O’Herlihy Access Consultancy for creating this toolkit. Thank you to Eoin O’Herlihy, Tessa O’Shaughnessy, Jacqui Poltera and Trish Cooney for your dedication and hard work.

Employers for Change would like to thank the participation of individuals from many organisations including the following (in alphabetical order):





- Accenture
- Bank of Ireland
- Brothers of Charity Services
- Cartoon Saloon
- Deloitte
- Dr Kim Hoque
- EmployAbility Limerick
- IDA Ireland
- OHAC
- Mr Price Branded Bargains
- Neuropride Ireland
- National Assistive Technology, SeatTech and Virtual Services Enable Ireland
- Northern Trust Corporation
- Small Firms Association
- The Data Protection Commission
- The Irish Traveller Movement

We are grateful to the employees with lived experiences who have participated in our focus groups which have informed this toolkit too.

We also want to thank AsIAM and Neuropride Ireland who offered insights and support, as well Professor Kim Hoque, King’s College London and Disability@Work for sharing their expertise.

We wish to acknowledge Claire Hayes, Head of Policy, Research & Government Engagement, at the Open Doors Initiative, for her guidance and support throughout the development of this toolkit.



 www.opendoorsinitiative.ie
 info@opendoorsinitiative.ie
 [/OpenDoorsInitiative](https://www.linkedin.com/company/opendoorsinitiative)
 [@OpenDoorsToWork](https://www.instagram.com/opendoorstowork)

 www.employersforchange.ie
 info@employersforchange.ie
 [/EmployersForChange](https://www.linkedin.com/company/employersforchange)
 085 157 9603