

PRACTICAL GUIDE TO

DISABILITY DISCRIMINATION



A GUIDE FOR EMPLOYERS AND SERVICE PROVIDERS

Introduction

The Discrimination (Disability) Jersey Regulations 2018 apply from 1st September 2018.

This guide will help employers and service providers of all sizes to prepare to meet the new obligations that will be introduced under the Discrimination (Jersey) Law 2013. This is intended as a practical guide and not as comprehensive legal analysis or advice.

What is a disability?

Under the Law, disability is a long-term impairment which can affect a person's ability to participate or engage in activities such as:

- Work
- Using public transport
- Eating out
- Shopping
- Staying in a hotel

or any other area of life covered by the Law.

An impairment may be physical, mental, intellectual or sensory. Employers and service providers should think broadly about a range of impairments, such as:

- mobility impairments, including stick users and wheelchair users
- visual impairments
- hearing impairments
- limited dexterity, e.g. arthritis
- mental health
- learning difficulties

To qualify as 'long-term', the impairment must last, or be expected to last, for six months or more (or for the rest of the individual's life).

Here are some examples:

Justin has been diagnosed with cancer and told he will need to undergo treatment over a six-month period. This will count as a disability. The condition is expected to last for at least six months and has the potential to affect his ability to participate or engage in the areas of life covered by the Law. It does not matter what his actual symptoms are. It is the fact that the condition can have that effect that is important.

Magda breaks her ankle in an accident. As a result, she can only walk on crutches and is told that she will need to use them for about 6 weeks and will then need to use a cane for some weeks after that. She will not be classed as disabled. The impairment she has is not expected to last for six months. If her recovery does not proceed as planned however and her mobility continues to be impaired, then she may be classed as disabled when it becomes clear that the six-month threshold will be reached.

Mark is diagnosed with bipolar disorder. He has periods when he is highly effective and other periods where he finds it very difficult to come into work at all. It may be that those periods do not in themselves last for six months, but he will still be disabled. His condition is long-term even if the periodic effects of it are not. It is the condition that must last for at least six months, rather than the effect of it.

A severe disfigurement is a disability under the Law even if it does not affect a person's ability to participate or engage in activities. Tattoos and decorative piercings will not count as disfigurements.

The Law provides that a limited range of conditions cannot be disabilities. A tendency to steal or set fire to things and a tendency to physically or sexually abuse people are not disabilities even if they may be medically classed as impairments.

The definition of disability is intended to be very wide. A range of conditions that may not typically be thought of as disabilities will fall within the definition.

What must be remembered is that the definition is only relevant in a context where an individual believes that they have been discriminated against. Where a condition is regarded as relatively minor then it is unlikely that issues of discrimination will arise – and there will be no need to consider making reasonable adjustments (see page 10).

The Law does not seek to classify people as disabled for any purpose other than to protect them against discrimination. The question of disability, therefore, can only be determined as part of a discrimination claim. It is a legal question that is ultimately a matter for the Jersey Employment and Discrimination Tribunal (JEDT).

There is little to be gained in most cases by employers and service providers trying to determine whether or not a particular customer or employee is disabled. The more useful approach is to aim for an inclusive environment in which individuals can flourish irrespective of disability.

What is the scope of the Law?

The Disability Regulations insert the protected characteristic of disability into the Discrimination (Jersey) Law 2013. Subject to the specific exceptions set out in this guide (see page 14), it has the same scope as the Law relating to discrimination based on age, gender reassignment, pregnancy and maternity, race, sex and sexual orientation. The Law therefore protects against disability discrimination in a wide range of areas including:

- Working and applying for jobs
- Using public transport
- Using sport and leisure facilities
- Shopping
- Visiting tourist attractions, libraries, museums and churches
- Visiting restaurants, pubs, clubs and cafés
- Accessing doctors, dentists, hospitals, pharmacies and opticians
- Using the services of banks and insurance companies
- Renting property or hiring premises

- Staying in a hotel
- Visiting cinemas and theatres
- Using local government services
- Attending school, college and training courses

Direct and indirect discrimination

Direct and indirect discrimination apply to disability in the same way as with other protected characteristics:

Direct discrimination occurs when someone is treated less favourably than someone else is or would be treated because of a protected characteristic.

Indirect discrimination occurs when there is no difference in treatment, but the effect of an unjustified 'provision criterion or practice' is to place people who share a protected characteristic at a particular disadvantage.

Some examples of how this would work in the context of disability discrimination:

St Jude's is a nightclub that prides itself on its fashionable clientele. George, the door supervisor, refuses to let Matt in to the club. Matt has Down's Syndrome and George does not think he suits the image of the club. **This would be direct discrimination.** George is refusing to admit Matt because of his disability. This would be unlawful.

Michel's Bistro is an intimate restaurant with low lighting and a menu written in a small grey font on a large white card. This could be **indirect discrimination** because the practice of printing the menu in that way places people with a visual impairment at a particular disadvantage. The issue will be whether the Bistro can show that the design of the menu is a proportionate means of achieving a legitimate aim.

John is disappointed when he has a job offer withdrawn from a small accountancy firm Buesnel & Co. Everything was going well until he disclosed that he had previously been treated for depression. The employer assumed that his condition would lead to him taking too much time off work and decided that it could not risk the expense that that would involve. This would be **direct discrimination**. The employer's decision is not based on any facts about John's attendance, but on the assumption that someone who has been treated for depression will have absences in the future. It is the condition itself that is the reason for the job offer being withdrawn.

Note that in this last example there might be a question over whether or not John has a disability. Treatment for depression in the past does not mean that the individual has an ongoing condition at the time of the discrimination. However, in a case of direct discrimination this does not matter. The question is the reason for the treatment. That means asking what was going on in the employer's mind when the decision was taken. If the employer's concern was that John had an ongoing condition, then disability was clearly the reason for the treatment. This will be sufficient to establish direct discrimination.

In an indirect discrimination case, however, the individual does need to be disabled in order to bring a claim. Suppose a pub used flashing lights and strobe effects in the evenings. That might cause a particular disadvantage to people with photo-sensitive epilepsy. But a claim could only be brought by someone who actually had that condition. It could not be brought by someone who simply found the lights annoying or uncomfortable. It should also be remembered that the pub's choice of lighting might well be justified as a proportionate means of achieving the legitimate aim of entertaining their customers by providing an enjoyable environment for them.

More favourable treatment

The Law is intended to prevent discrimination against disabled people, but is not intended to prevent special measures addressing the particular needs that disabled people might have. To avoid discouraging employers and service providers from making special provision for disabled people, the Law provides that it is not unlawful to treat a disabled person more favourably than a non-disabled person, or to treat a person with a particular disability more favourably than someone with a different disability.

Two examples:

St. Jude's Nightclub now has a more inclusive admissions policy and its business has improved so much that there is often a long queue to get in. Julie has cerebral palsy and has trouble keeping her balance – especially when required to stand for extended periods. George, the door supervisor, allows her to move to the front of the queue. This is more favourable treatment because of disability but is perfectly lawful.

De Carteret's Farm Shop has been working with a local charity for people with learning disabilities. It decides to recruit a new shop assistant and specifies that it will give preference to candidates with learning disabilities. This would not be direct discrimination.

As well as the need to ensure that positive measures can be taken, the particular issues raised by disability mean that the general definitions of direct and indirect discrimination are not sufficient to ensure that disabled people are properly protected against discrimination. The Law therefore extends direct discrimination to cover discrimination arising in consequence of a disability and extends indirect discrimination to create a duty to make reasonable adjustments. Each of these are explained below.

Discrimination arising in consequence of a disability

Consider these two examples:

Alfonso orders a taxi, but when the driver arrives he sees that Alfonso is blind and has a guide dog. He refuses to take Alfonso with his dog because he thinks that the dog might cause a mess in the car.

Susan has been working as a shop assistant for just over three months when she is dismissed for coming in late one morning. Susan's diabetes can cause fatigue and on this particular morning she struggled to get to work on time.

In each example an individual has been treated unfavourably, but not quite because of their disability. The taxi driver would argue that he would refuse to carry any dog and the employer might take a very strict view of any lateness on the part of employees. On the other hand, the treatment that Alfonso and Susan suffer clearly has something to do with their disability.

Under the extended definition, direct discrimination occurs when one person treats another unfavourably because of something that arises in consequence of that person's disability.

So, in the examples above Alfonso is treated unfavourably because he has a dog. But he has a dog because he is blind. The reason for the treatment (the dog) therefore arises in consequence of his disability and will (subject to the conditions below) amount to direct discrimination.

Similarly, in Susan's case, she was dismissed for being late, not for having diabetes. But her lateness arose from a symptom of her diabetes. She was therefore dismissed because of something that arose in consequence of her disability.

There are two ways in which the taxi driver or the shop owner could defend themselves against this sort of direct discrimination claim.

Firstly, they could show that they did not know (and could not be expected to know) that Alfonso and Susan had the disability in question. If the taxi driver had simply been told to pick up Alfonso and his dog and had refused before being told that Alfonso was blind and had a guide dog, then that would not be discrimination. If the shop owner was not told that Susan had diabetes and simply dismissed her in the same way as any other late employee, then that would not be discrimination. It is the knowledge of the disability that puts someone on notice to avoid unfavourable treatment that might be based on something arising from the disability.

The second defence available is justification. The taxi driver might be violently allergic to dogs and therefore unable to carry one in his taxi. The shop owner might struggle to show that sacking an employee for one episode of lateness was justified, but if it developed into a pattern then it might be argued that even though the lateness arose from disability the impact on the business was such that it was reasonable to dismiss.

In common with other areas of the Discrimination Law, the formal test for

justification is whether the treatment complained of was a 'proportionate means of achieving a legitimate aim'. This involves looking at the reason for the treatment and balancing the importance of that reason against the impact that the treatment has on the individual. The bigger the impact on the individual, the harder it will be to justify the unfavourable treatment.

The duty to make reasonable adjustments

At the heart of the Law is the new duty to make reasonable adjustments. This is based on the understanding that to create a level playing field for disabled people it is necessary to do more than just avoid unfavourable treatment. Positive steps are needed to create an environment in which disabled people can fully engage with and participate in society on an equal basis with others.

Making your organisation or business more accessible means that more customers can come through your door and use your services, including the approximately 14,000 people in Jersey who have a disability. Enabling customers of all ages and abilities to access your services could increase your customer base. Making sure that your employment and recruitment practices are also accessible will help you to attract and retain the best staff.

Access does not have to be expensive - reasonable adjustments means making improvements that are both practical and manageable relative to the size and context of your own business. Changing your approach from 'Do I have to...?' to 'What can I do?' will possibly make the biggest difference of all.

Some adjustments are relatively easy, such as making menus easy to read, clearing circulation space, putting grab-rails in a toilet, or a handrail by a set of steps. Staff training, good customer service and positive attitudes towards disabled customers can often make the difference.

Other measures, such as installing an accessible toilet, or creating a step-free main entrance can involve more work and may require technical planning, advice and finance. However, a business does not have to make a raft of changes to future proof for all possible disabilities. If you are thinking about making changes to the structure or physical features of your premises, you can get more information from the Planning website¹.

Part 2 of this guide sets out some practical tips for making reasonable adjustments in providing services to the public and in the workplace.

¹ <https://www.gov.je/planningbuilding/Pages/default.aspx>

The Law introduces three specific duties to make reasonable adjustments, which must be at no cost to the disabled person –

1. When a provision criterion or practice puts a disabled person at a substantial disadvantage, the duty is to take reasonable steps to avoid that disadvantage

Example: Sam has social anxiety disorder and can struggle to cope with open plan and shared office spaces. His employer operates a hot-desking policy. To help him work effectively, Sam is allowed to work at home for two days a week and for the other three working days he is given his own desk in the corner of the office with a partition screen to give him more privacy.

Example: Philippa is autistic and finds watching films at the cinema challenging. C.I. Cinema has introduced 'relaxed screenings' of new releases on one Sunday each month. With subtle changes to the environment - including lower sound levels, the lights kept on at a low level and no trailers or adverts - the experience is more positive for people who are autistic, as well as people who have sensory impairments.

2. There is also a duty to take reasonable steps to avoid a substantial disadvantage caused by the physical features of premises (**NOTE: This duty will not come into force until 1st September 2020**)

Example: Le Breton's Department Store in St Helier is visited by thousands of people every week. The rear half of the ground floor is on a slightly different level with three steps running along the whole width of the shop. In order to make the rear half of the shop accessible to wheelchair users, a ramp is installed at one end of the steps at a sufficiently gentle angle that wheelchair users can easily gain access to the whole store.

Example: Seaville Hotel is a three-storey hotel with narrow corridors leading to the 15 guest bedrooms. In order to be more accessible to disabled guests, the hotel adapts one ground floor room to provide an accessible bedroom and bathroom. The hotel also adapts its reservations procedures to ensure that the accessible bedroom is the last to be allocated to guests in order to increase its availability to any potential disabled guests.

3. Finally, there is a duty to take reasonable steps to provide an auxiliary aid where the absence of such an aid puts the individual at a particular disadvantage

Example: Jack is partially sighted and works in an office which receives a lot of calls from customers, clients and suppliers. To enable him to use the phone effectively, Mark's employer buys a phone that speaks the number of the person calling or the number that Mark is dialling.

Example: Ivy is dyspraxic; she tends to write very slowly and her handwriting is very difficult to read. As well as allowing her more time in each of her GCSE exams, Ivy is also allowed to use a computer so that she can type her answers.

It is important to appreciate the sheer variety of reasonable adjustments that might be made by an employer or service provider in ensuring that disabled people are not disadvantaged. It is of course the case that a reasonable adjustment might involve making premises more accessible to wheelchair users – but there is much more to the duty than that. Nor will it always be the case that an adjustment will involve significant expense. What is needed is a problem-solving approach that identifies the barriers that are being placed in the way of disabled people and seeks creative ways to remove them. **Please see Part 2 of this guide for some practical tips.**

A duty to make reasonable adjustments only arises when the employer or service provider knows or ought reasonably to have known of both the individual's particular disability and the disadvantage that is being caused to them.

This means that a business cannot be taken to the Tribunal for failing to make an adjustment to premises in advance of any actual disadvantage suffered by a disabled person. There can be no failure to make a reasonable adjustment unless a disabled person is actually disadvantaged.

This does not mean, however, that a business can just sit back and wait for a situation to arise. By then it might be too late to take effective steps. The Law provides that in deciding whether or not an adjustment was 'reasonable' one fact that the Tribunal can take into account is the extent to which the need for the adjustment could have been anticipated and how reasonable it would be to expect the employer or service provider to make the adjustment in advance of it actually being needed.

A large retailer for example should be aware that some of its customers will inevitably be wheelchair users and could reasonably be expected to ensure that the shop is accessible in advance of any specific need. A small employer in contrast, perhaps operating from a first-floor office, could not reasonably be expected to have ensured that the office is wheelchair accessible at a time when none of its employees were wheelchair users.

The thing to emphasise is that an employer or service provider is only obliged to make reasonable adjustments. They must be effective, but also practical and affordable. In judging whether or not an adjustment is reasonable the Tribunal will take the following factors into account:

- The effectiveness of the adjustment in removing the disadvantage
- The extent to which the adjustment is a practical option
- The cost of any steps that need to be taken to make the adjustment
- The extent of the financial, administrative and other resources available to the employer or service provider (including any provided by a third party)
- The characteristics and size of the employer or service provider in question

Reasonable adjustments do not exist in isolation from the person making them. What may be a reasonable adjustment for one employer may not be reasonable for another.

For example, an employee with HIV may, as a result of their medication, feel

particularly tired in the mornings. One adjustment that could be made by an employer is to rearrange such an employee's hours so that they do not come into work until later in the morning. For a large employer with lots of employees that might well be a reasonable adjustment to make. For a small business with just one or two employees that might not be a reasonable option. If one employee were to start late every day that might have a direct effect on the service provided by the employer or place too much of a burden on other members of staff.

Exceptions

The same general exceptions that apply in relation to the other protected characteristics also apply in cases of disability. For example, a householder advertising for a flat-mate will be covered by the small premises exception and will not be vulnerable to any claim for disability discrimination if the flat in question is not accessible to a wheelchair user.

There are also some exceptions to the duty to provide reasonable adjustments.

Public service vehicles: There is no duty to make reasonable adjustments in the provision of public service vehicles such as buses and taxis. This does not mean that these services are excluded from the Law altogether. They will have the same duty not to discriminate in the way they treat individuals as any other service (as described in the example with Alfonso and his guide dog earlier). However, the accessibility of the vehicles themselves is dealt with as a matter of contract to ensure that there is an adequate number of suitably equipped taxis and buses to meet the needs of the Island. Individual providers will not have to make further adjustments to their fleet in relation to individual complaints.

Building Bye-laws: The Building Bye-laws (Jersey) Order 2007 and the associated technical guidance on access to and use of public buildings² already set a high standard for new buildings and renovations that should ensure appropriate access for people with a range of disabilities affecting their mobility. A business that has complied with those standards is unlikely to be required to go further in making a physical adjustment to its premises. The Law provides that it is not discrimination if a person fails to adjust premises in order to comply with the bye-laws:

² <https://www.gov.je/PlanningBuilding/LawsRegs/Technical/Pages/08AccessToUseBuildings.aspx>

Example: Gaudin's Grocery Shop has a large step at the entrance. They want to install a wheelchair ramp but, in order to be built at an appropriate gradient, the length of the ramp would encroach into a busy main road. In order to comply with the building bye-laws, the ramp cannot be built. The failure to provide a ramp in itself will not be disability discrimination. However, the shop owner may be able to find an alternative entrance or method of serving the customer.

School admissions: There is a limited exception in the Law allowing schools to continue to set entry standards based on high ability or aptitude – either generally or in relation to a specific activity. This only applies to the admission standard itself. It does not excuse the school from its general duty not to discriminate nor its duty to make reasonable adjustments in accommodating pupils with a disability.

However, a school which selects pupils according to ability will be able to continue to do so without having to make an adjustment to that standard. Of course, it may still make an adjustment if it chooses to do so, and it may well be obliged to make an adjustment in how it assesses that standard. If the school runs an entrance exam, for example, it will need to make appropriate adjustments to allow disabled candidates to take the exam in a way that does not disadvantage them. That might include changing the timing, location or the environment in which the exam takes place. However, the school will not be obliged to lower its entrance requirements.

There are other exceptions that are specific to disability but have close parallels with the exceptions that apply to other protected characteristics:

Ministerial decisions: The Minister or the States may from time to time wish to make resources available to promote the employment of or opportunities for disabled people or to improve access to services and facilities. In doing so, resources may need to be capped or targeted very specifically. The Law provides that those acting in accordance with such a policy are not exposed to the risk of discrimination claims.

Example: A grant scheme funds the purchase of aids or equipment up to the value of £5,000 to help disabled people start work or remain in work. If a grant application is rejected because the applicant does not meet the criteria – for example, that they must be working, starting a new job or taking part a work placement that is likely to turn into paid work - that would not be discrimination.³

Financial services: As with other protected characteristics, it is not unlawful for those offering insurance or other financial services to discriminate in the terms on which those services are offered as long as the discrimination is reasonable taking into account the statistics and other data on which it is based. There is a similar exception for an employer offering employees access to such services as part of their overall reward package.

Sport and competitions: It is not the intention of the Law to cut across rules regarding sports and competitions held for disabled people or people with particular disabilities (such as the Paralympics). Where a club or competition is applying the rules of an international competition or sporting competition that will not be disability discrimination.

About this guide

This guide has been prepared jointly by the Jersey Advisory and Conciliation Service and Citizens Advice Jersey.

Some of the information and images presented in Part 2 were derived from a guide produced by the Equality Commission for Northern Ireland - “Accessible Goods and Services; a good practice guide to making reasonable adjustments” - which was prepared for the Commission by the Centre for Accessible Environments. These have been reproduced with gratitude to the Equality Commission for Northern Ireland.

The information within this document is for guidance only and does not impose any legal obligations, nor should it be treated as an authoritative statement of the Law. No party will be liable for any claims resulting from advice or other content contained within this guide, including the Equality Commission for Northern Ireland.

³ For information about the 2018 Social Security grant scheme, see the website www.gov.je/benefits/grants/industrygrants/pages/accesstowork.aspx

PRACTICAL TIPS FOR REASONABLE ADJUSTMENTS

Accessibility before you visit

Accessible websites

Your website may be the first thing customers look at when making a decision about visiting and purchasing or using your services. Tips to think about include:

- clear and accessible layout: websites need to be easy to read, navigate and use, have good contrast with text without fussy backgrounds
- screen readers: ensure the website is compatible with text-to-speech converters, provide text captions and alternative text for images
- Web Content Accessibility Guidelines: the World Wide Web Consortium (W3C) provide guidelines and tips <http://www.w3.org/WAI/>

Pre-visit information

Make it easy for your visitors to plan their trip by providing information on your opening hours, transport links, and accessible facilities such as, induction loops, accessible toilets and large print resources.

Providing information in advance is helpful, especially if there are particular issues your visitors might face, such as limited space, or temporary ramps so customers can better prepare for their visit.

Example: Jersey Heritage have developed visual stories for all six Visitor Attractions managed by the charity, written in consultation with Autism Jersey. They help to give people an understanding of the attraction and what to expect when they visit.⁴

Contact details

Let visitors know when, where and who to contact by providing:

- contact details – name, address, telephone number, email
- opening hours – for stores or offices and helplines

⁴ <https://www.jerseyheritage.org/news/visual-stories>

- customer feedback – details of how to provide comments
- social media – provide instant information and responses to queries, as well as live updates on any access or maintenance issues
- photos of staff – it can be reassuring to recognise faces/uniforms

Directions

Guide people to your door by providing:

- a map with clear directions – include any useful landmarks
- public transport routes – give advice on how best to reach you
- parking information – do you have any accessible bays or drop off areas for disabled customers and are these close to the entrance?
- a photograph of the front of the premises – helpful for people with learning disabilities and many others such as tourists

Services and facilities on offer

Let people know what you can offer, with information on:

- accessible facilities – give details, for example on accessible toilet provision, changing room, quiet room or nearest available facility
- any changes in level – ramps, lifts, steps, or a narrow route – a photo and description can help people to plan their visit
- services and equipment – such as induction loops, large print information, wheelchairs for loan, portable ramps, sign language interpreters and staff assistance
- photo / video guide of main areas – showing the route and processes can help visitors prepare for trips to larger buildings
- sound clips of regular sounds – visitors can prepare for and expect the sound of frequent loud announcements, bells and alarms
- concessions / discounts – advertise if these are offered, for e.g. to older people, disabled people and students

Getting to your premises

Try to make it as easy as possible for your customers to find you and get in to your premises.

Exterior signs

Tips to make your signs **visible**:

- Fix signs to buildings rather than A-boards on footpaths. These can cause obstruction for most pedestrians and can be off-putting for your business
- Flag signs attached to exterior walls can be a good way of getting noticed from a distance
- Signs should not be too high or too low – make sure they can be seen clearly from afar or when nearby
- Make sure that all customers know assistance may be available. If you have an intercom – indicate which button calls staff members



Tips to make your signs **easy to read**

- Signs should not be on glass, behind glass or on reflective surfaces – it can make them more difficult to see
- Use simple and clear 'arial' letters that are not italicised or underlined (this font is 'arial', **this is not**)
- Letters should be big enough to read from a distance
- Use a mix of lower and upper case lettering – this makes the text easier to recognise and therefore read
- Ensure there is a good visual contrast between the letters and your sign background

- Signs don't have to be expensive - if you make your own, make sure that they are a good size, clear and easy to read



Approach by foot

Footpaths should be clear of obstructions:

- Unnecessary street furniture and clutter should be removed, e.g. bins or A-boards
- Surfaces should be maintained so they are firm, smooth and even
- Gradients should be gentle – they are usually 1:20
- Footpaths should have clear kerbs, and visual and tactile markings
- Good lighting will provide added security
- Planting on footpaths should be managed so it is not overgrown

Outside seating

- Keep a clear route - minimum width of 1.5m (2m preferred) for pedestrians including wheelchair users and people with pushchairs or walking aids to pass by comfortably
- Provide an enclosed seating area – define the edges with screens not ropes – so people with visual impairments, especially cane users can identify the boundary at the ground level



Parking

You need to provide:

- clear and visible signage which will direct people to your car park and accessible bays for disabled customers
- ground markings and a vertical signpost at the end of the parking bay will help identify the correct spaces
- a dropped kerb - from the parking bay to the footpath and your entrance
- accessible parking bays - 2.4m x 4.8m with additional 1.2m hatched access zone to the side and rear for safe access
- good management so that bays are available to those who need them



Entrances and exits

Tips to make sure customers easily see and open your door

- Make sure that your entrance is easy to identify - ensure it stands out from the façade
- A main step-free 1000mm wide entrance will allow all customers equal access to your building
- One of the easiest things you can do is to check your door handles, and feel how heavy the door is to open
- A D-shaped handle can be opened from different heights, or an easy action lever handle at the right height can make all the difference.
- Consider installing automatic doors, they are helpful for all your customers



Tips for doorways

- D-shaped handle at 700 –1000 (lower edge) to 1300mm (top) height
- lever handle at 900mm height
- new main entrance doors should have a clear width 1000mm, 775mm minimum in an existing building
- new internal doors should be at least 800mm wide, 750mm in existing building
- easy opening
- vision panels to see other side is clear
- push / pull indication
- is there enough space for wheelchair users in your lobby?
- make sure doormats are flush and not worn or likely to trip someone up. Do not use coir mats – they can be wheel-traps

Steps

Remove steps from entrances if possible. Families with buggies, wheelchair users, people with walking aids and people with luggage will all find it much easier to come in and do business with you.

Emergency exits

All exit routes should be as barrier-free and step-free as possible.

- Provide clear signage – make it easy for people to find their way out
- Keep checking for obstructions – walk your evacuation routes regularly, keep them clean and clear
- Visual and audio alarm systems – don't assume everyone can hear the alarm, install flashing beacons
- Test the alarms – systems should be regularly checked and maintained
- Staff training – staff should know correct procedures and how to assist any disabled staff and visitors
- Regular fire drills – test and refresh your staff knowledge

Access within your premises

Routes and surfaces

Customers should be able to move around the retail area, browse and inspect goods, bring them to the cash desk and receive the same service as other customers.

Keep a clear unobstructed width of 1500mm (preferred) 1200mm (minimum) for routes from the shop entrance to service and product areas, toilets, payment counters and emergency exits.

Shelving

Stock should be:

- Neatly and safely stacked on shelves and not project beyond the front of display units
- Within reach of wheelchair users and people of a shorter stature
Popular goods which require a lot of shelf space could be arranged vertically so that they are available across a range of shelves and heights
- Available with staff assistance if necessary
- Check your routes for trip hazards and maintenance issues such as loose mats, spills or worn carpet, and remove any obstructions.
- Floors should be even and non-slip
- Avoid narrowing routes with temporary displays as this can create a barrier for wheelchair users, people with mobility aids and all shoppers with trolleys or baskets. It also makes it harder for staff to restock items

Interior signs


Signs should be clear and appropriate to help all people including those with visual impairments or learning difficulties orient themselves, locate stocked items easily and read the labels and prices. Signs that work best are:

- Simple and short
- Bigger is better - good sized text, minimum 16pt font
- Easily read and understood with clear font in a mixture of lower and upper case

- Well contrasting with the background and the lettering
- Supplemented by symbols
- Not on reflective or glass backgrounds
- Not behind glass which makes them difficult to read

Steps and level changes

Try to minimise the number of level changes in your premises - make them easy to negotiate:

- All public areas should be as accessible as possible to everyone
 - Consider providing a ramp or a platform lift for a short internal level difference
 - If not obvious, provide signs for the ramp or lift route
 - Warn people of all level changes as these can be a trip hazard. Provide good visual contrast to slopes and good lighting
 - All step edges (nosings) should be non-slip and should visually contrast with the rest of the step to help with identification and depth perception
 - Install strong handrails that are easy and comfortable to grasp both sides and extend beyond the top and bottom steps or the top and bottom of slopes. They should also have good visual contrast
- 
- Level landings between flights of steps gives people a chance to rest
 - Ramps steeper than 1:20 should have handrails at both sides
 - Provide a visual warning at the edge of a ramp to reduce the trip hazard risk
 - If you decide to install a passenger lift, make sure that the door width, car size and turning space will accommodate a wheelchair⁵. The Planning Department guide 'Access to and use of buildings' provides technical guidance on design considerations for passenger lifts

⁵ Pages 29-30, <https://www.gov.je/PlanningBuilding/LawsRegs/Technical/Pages/08AccessToUseBuildings.aspx>

Seating

Tips for seating:

- Provide flexible seating areas - where furniture can be moved around
- Clear routes (900mm minimum) - between the tables and a choice of seating type will accommodate a wide range of users
- Have a range of chairs available - at different heights, with and without armrests, so that people can more easily transfer into and out of the seats
- Space underneath tables – for wheelchair users to approach and fit their knees comfortably under a table and for assistance dogs

Counters

Providing counters and writing surfaces at different heights will make life easier for all of your customers. Face-to-face service is important for many of your visitors; some might be lip-reading or may need reassurance from a friendly staff member

- A lowered section of a desk should be no more than 760mm high from the floor level for wheelchair users and customers of shorter stature, or a single lower counter that suits everyone
- A food serving or bar counter should have a section 850mm high for a length of at least 1500mm
- All counters should have 700mm high knee space beneath them for wheelchair users to approach
- clutter free - do not place items in front of the counter so that people have to lean over to reach the counter
- priority policy - or provide a chair at the counter for people less able to stand in a queue
- well lit counter - so that it is easy for someone lip-reading to see the cashier's face
- portable payment terminals - located so they can be easily used in a comfortable position by all customers



Lighting and communication

Make sure your building is well-lit so that signs, product labels, menus, steps, thresholds, slopes or door handles, can be easily seen. Good lighting is essential for lip-reading. If background noise and music make it difficult for customers and staff to talk to each other, turn the music down or off.

Hearing enhancements like induction loops will help support communication in meeting rooms, at counters and information points. Make sure that there are signs to show the availability of the hearing loop and train staff how to use it. The induction loop sign lets visitors know to switch their hearing aids to the T-setting.

Being accessible is an ongoing aim – it is important to regularly check that everything is working as it should.

Tips for lighting and contrast:

- Avoid bright light and dark shadows
- Highlight hazardous areas such as steps or other changes in level
- Maximise light by keeping glass clean, maintaining lamps and blinds, and replace blown bulbs quickly
- Minimise glare from large areas of white or reflective surfaces – this can be done by adjusting lighting
- Use colours to guide the way
- Use dark and light colours to distinguish between large features or areas, such as, doors, floors, walls and ceilings
- Smaller fittings, such as, light switches, handrails and door handles should also contrast well against backgrounds
- Do not use large areas of mirrors or glazing without markings – these may be difficult to identify and people might walk into them and injure themselves

Good customer service

A disability confident and well-trained staff team will provide better customer service and boost your sales. Nominating an Access Champion within your business can help improve access to your services so you can reach more customers.

Hidden disabilities

Some of your customers will have impairments that are not easily recognised and it might not be immediately obvious that they need your help and attention. Some people may have a learning disability or difficulty, and some may have mental health issues. It will be reassuring and helpful to be patient and ask how you can help.

Example: The Connect card is a local initiative aimed at helping people with a particular condition or disability to explain their communication needs subtly and succinctly to service providers in Jersey. The card is the same size as a credit card that people with learning disabilities / difficulties can carry and use to discretely alert staff to be patient when interacting with them.

www.connectcard.je

Customer service tips

- Introduce yourself, let customers know you are available to help
- Always talk to the customer directly, not who they are with
- Don't be afraid to ask 'Can I help?' or 'How can I help you?'
- Be patient and ready to repeat or clarify something – your customers may present you with their Connect card
- Speak clearly and face-to-face to people who are lip-reading
- Offer to write things down
- Offer choice and dignity – don't make assumptions - not everyone wants or needs help

Practical assistance

- Offer to find or reach for items.
- Can you carry or put items aside?
- Offer to describe items or help to read labels
- Do you know how to use your induction loop, portable ramp and other access equipment?
- Offer a seat to waiting customers

- Offer to rearrange furniture for people who need some space for example, wheelchair users, people with assistance dogs, buggies or mobility aids
- Turn any music down to improve communication

Provide information

- Know your facilities and services - where is the nearest accessible toilet? Can you provide home visits, carry-to-car or delivery services? Are your menus, leaflets and information in a large and clear print?
- Toilet, changing room or lift out of action? Let customers know. Make sure that your service and facilities information is online and up-to-date so visitors can plan ahead
- Do you use social media or websites – can you offer live updates? Save customers' wasted journeys by forewarning them

Accessible toilets

Tips for accessible toilets:

- Where are they? Provide clear signage so that they are easy to find. If refurbishing make sure that accessible WCs are in a location near to entrances and activity areas
- Outward opening doors – space is needed inside for wheelchair users to be able to turn and use the facility
- Easy-to-use door locks – light action locks which can be easily operated by a closed fist and minimal dexterity requirements
- Clear and clean - keep the transfer space next to the WC clear of bins and do not add baby-changing facilities. Wheelchair users need this space for manoeuvring
- Emergency alarm - Check your alarm system works and your staff are trained in appropriate response. The cord should almost reach the ground and never be tied up, so that someone on the floor could reach it in an emergency



- Replace any difficult cross head taps – mixer lever taps can be easy to operate with a closed fist and limited dexterity
- Check your grabrails – these need to be installed at the right height and location to provide sufficient support for transfer. Examples of grab rail placement are provided in the Planning Department guide ‘Access to and use of buildings’⁶.
- Visual contrast – grabrails, WC and fittings should contrast against the background, making them easier to identify
- Don’t use them for storage – as soon as you use the toilet as a storage room, it stops being an accessible toilet

Accessible workplaces

Many of the accessibility improvements that you make to the services that you provide to the public will also help you to recruit and retain good staff, ensure that everyone has fair access and opportunity to progress and shift your workplace culture. If an employee or volunteer discloses a disability, have an open conversation to determine together what support they might need. To ensure that your staff feel supported and remove unnecessary barriers, you may need to do things differently or alter the workplace, but many changes can be simple and inexpensive.

Tips to improve accessibility for staff:

- allow time off for medical appointments
- review your absence policy
- change working hours
- phase the return to work after a period of absence linked to a disability
- encourage flexible working requests
- be flexible with home working
- increase spaces between desks
- move desks away from a noisy printer or air conditioning unit
- allow staff to have their own desk instead of hot-desking (e.g. to assist with social anxiety disorder)
- let the person work somewhere else (e.g. ground floor for a wheelchair user)

⁶ <https://www.gov.je/PlanningBuilding/LawsRegs/Technical/Pages/08AccessToUseBuildings.aspx>

- provide large print/easy read versions of handbooks and manuals
- provide a larger computer screen or a keyboard with larger keys
- install a visual fire alarm
- use an off-white copier paper
- provide an adapted telephone, e.g. handset amplifier
- provide an ergonomic mouse, chair or keyboard (e.g. for someone with arthritis)
- install air conditioning filters (e.g. to alleviate severe allergies and hay-fever)



Applying for jobs

Making sure that your recruitment practices are inclusive and accessible will help you to increase your talent pool and attract more candidates who have a disability to better reflect the local community. Some requirements or procedures may inadvertently discriminate and deter disabled people from applying.

Tips for recruitment:

- Ensure application forms and job descriptions are accessible, e.g. available in large print, on coloured paper, Braille or easy read versions
- Online documents should be compatible with screen readers
- Offer alternative methods to help people apply, such telephone interview
- Give verbal as well as written instructions
- Allow more time to complete any aptitude tests
- Allow the use of coloured filters for people with dyslexia
- Allow candidates to complete a written test using a computer
- Make sure the job description and any tests focus on essential criteria rather than preferred criteria (e.g. driving license, fixed working hours)
- Think about the accessibility of the interview venue (e.g. hearing loop)

