



Working with arthritis, back pain & related conditions:

“A guide for employees”



“About this guide”

Whether you are newly diagnosed with arthritis, back pain or another musculoskeletal disorder (MSD), or have been living with the condition for many years, managing work can sometimes be challenging. This guide provides you with up-to-date and accurate information and advice to make sure you can find the help you need to stay in your job. If you are worried or concerned following a recent diagnosis of an MSD, you can find more information about what kind of support you are entitled to. This guide also discusses the options of re-training or moving to different types of jobs within an organisation.



About Fit for Work Ireland

Fit for Work Ireland is a unique coalition of patients, physicians, health professionals, employers, employees and policy makers working to improve the early detection, prevention and management of musculoskeletal disorders (MSDs) in the workplace.

Fit for Work Ireland:

- AbbVie
- Ankylosing Spondylitis Society of Ireland
- Arthritis Ireland
- Association of Occupational Therapists of Ireland
- Health & Safety Authority
- HSE National Primary Care Clinical Programme
- HSE National Rheumatology Clinical Programme
- Ibec
- Irish College of General Practitioners
- Royal College of Physicians of Ireland
- Irish Congress of Trade Unions
- Irish Life Corporate
- Irish Rheumatology Nursing Forum
- Irish Society of Chartered Physiotherapists
- Irish Society for Rheumatology
- Vhi Corporate Solutions

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“About arthritis & musculoskeletal disorders (MSDs)”

Musculoskeletal disorders (MSDs) is an umbrella term covering over 200 conditions that affect the muscles, joints, tendons, ligaments, peripheral nerves and supporting blood vessels, causing pain and functional impairment. Musculoskeletal disorders are among the most prevalent conditions in the world.

Many of these conditions share similar symptoms, such as joint or muscle pain and inflammation, but they all have their own unique symptoms also.



Common musculoskeletal conditions

Back pain and back problems are caused by numerous factors, including muscle strain or the displacement of an intervertebral disc. These may result from an underlying illness or injury.

Osteoarthritis is a degenerative joint condition affecting the weight-bearing joints such as the hips, knees and ankles as well as the hands and spine. In the initial stages, pain occurs in the joints during and after activity, but as the condition progresses pain may be experienced from minimal movement or during rest.

Rheumatoid arthritis is an auto-immune disease that causes chronic inflammation of the joints. It typically affects the small joints of the hands and feet and affects the lining of the joints, causing a painful swelling that can eventually result in bone erosion and joint deformity. It occurs when the immune system mistakenly attacks the body's own tissues. In addition to causing joint problems, rheumatoid arthritis sometimes can affect other organs of the body - such as the skin, eyes, lungs and blood vessels.

Work-related neck and upper limb disorders (WRULDs) are MSDs affecting the upper part of the body caused or aggravated by certain types of work and the working environment. Examples include epicondylitis (tennis or golfer's elbow), carpal tunnel syndrome; repetitive strain injury (RSI), neck pain.

Osteoporosis is a condition whereby there is a progressive loss of bone density and decrease in the strength of the skeleton with a risk of fracture.

For more information on arthritis
and other MSDs visit
www.arthritisireland.ie

What are the benefits of employment?

Work is good for your health. As well as improving your financial security, employment can boost your health and happiness. It is a vital part of modern life; it provides you with income, and can be a valuable source of purpose and meaning. Numerous studies have shown that there is a strong association between unemployment and poorer physical and mental health, and well-being. Work can be therapeutic and can reverse the adverse health effects of unemployment.



People with MSDs should therefore be encouraged and supported to remain in or to re-enter work as soon as possible because it:

- is therapeutic
- helps to promote recovery and rehabilitation
- leads to better health outcomes
- minimises the harmful physical, mental and social effects of long-term sickness absence
- reduces the risk of long-term incapacity
- promotes full participation in society
- reduces poverty
- leads to better self-esteem
- improves quality of life and well-being

Not only has evidence shown that work is good for you, it also shows that even when unwell or injured, remaining in work, at least in some capacity, is often better for recovery than long periods away from work if this is still possible.

There is clear evidence that people with MSDs who work in well-designed work environments and have flexible working arrangements experience health, social, psychological and economic benefits.

There is, of course, a proviso that the nature of the work will have no negative effect. Therefore, sometimes it may be necessary to change your work duties or role, where feasible, so that it matches your work ability and is safe for your physical capability.

Your employer has a responsibility to manage your safety and health at work through proactive risk management of the work that you are required to do. This then should determine if there are changes required to avoid or reduce risks to employees. More information and advice on this is available from the **Health and Safety Authority** www.hsa.ie.

“Living with occasional bouts of back pain, it is very important for me to have some flexibility in my workplace so that I can recover while remaining in my job.”

“How do MSDs affect employment?”

MSDs are the most commonly reported cause of absence from work in Ireland. The direct cost of MSDs at work in Ireland is estimated to be at least €750 million.



MSDs have a significant impact on people's ability to work. They affect the productivity and labour market participation of thousands of workers in Ireland.

Evidence suggests that:

50%

Over half of workers in Ireland report experiencing back pain each year, and over a quarter of non-fatal injuries in Irish workplaces are attributable to back pain.

80%

Up to 80% of the adult population will have significant back pain at some time in their life. In the vast majority of people with back pain, no specific diagnosis is given.

60%

Just under 60% of workers in Ireland have muscular pain in their neck, shoulders and upper limbs. Work-related upper-limb disorders (WRULDs) can affect the tendons, muscles, joints, blood vessels and/or the nerves and may include pain, discomfort, numbness, and tingling sensations in the affected area.

The effects of MSDs are different for everyone; some people are more severely affected than others. You may find it more difficult to cope with work at some times than at others, because of your changing symptoms.

The most common symptoms experienced by people working with MSDs are:

- problems with mobility or functioning
- early morning stiffness
- pain
- fatigue
- poor concentration
- reduced stamina
- decreased agility

How you manage your symptoms can depend on the type of work you do and having good treatment to manage your MSD. The good news is that many of the problems that people experience can be overcome. With the appropriate support from both their employer and their healthcare team, combined with proactive self-management, many people find that problems in the workplace can be successfully managed so that they can remain in their job. Some manual jobs may be more difficult to manage, particularly if they require heavy physical work, standing or lifting. It may be necessary to explore with your employer, whether it is feasible to consider other options such as changing your duties, having additional training or seeking an alternative type of work.

“Should I tell my employer?”

There is no ‘one size fits all’ answer: you will need to make a judgement about if and when to tell your employer. Your decision will, of course, be influenced by the type of work you do and whether, or how much, your condition affects your ability to do the job.

It may not affect your work at all – other than time off for hospital appointments – but hiding it and struggling on if you have difficulties, could make your MSD worse. Employers are generally supportive once they know you want to remain a productive worker and remain an employee with them.

However, you do have a duty to tell an employer about a health condition if it might present a health and safety risk to yourself or other work colleagues or may affect your ability to carry out the work.



If you're currently employed

It is particularly important to consider telling your employer if you think you may need some help, now or in the future. You are legally protected against discrimination on the grounds of disability from the first day of your employment, provided that you have told your employer about your condition.

Some people do feel guilty about not being able to fulfil their role as well as they used to. This is a perfectly normal reaction, but it is also important to adapt. An employer's obligation to make reasonable adjustments is an on-going one, so it can be reviewed if your condition changes.

Large employers normally have their own human resources (HR) department and many have access to an occupational health specialist. They may ask you to have an assessment so that they can fully understand your ability to do your work and provide appropriate support. It is important that your line manager knows about the process – so that they can be supportive of it.

Smaller companies often do not have a professional HR person or access to occupational health resources. It is still important to tell them what you can do now and explain how your condition may impact on your role.

You may wish to tell colleagues about your condition. This is a decision only you can make, but it may be in your interest.

If you've had adjustments made to your job, telling colleagues can help them to understand your abilities and have an appreciation of what living with your condition is like, including the impact of pain. Your employer will be aware that medical information is sensitive personal data under data protection legislation and, as such, is obliged to keep information about your condition confidential.

“I was feeling bad about falling behind and not being able to keep up with the rest of my team. I spoke to my line manager and explained about my arthritis and he was very understanding.”

If you're applying for a job

It is not a requirement to tell a prospective employer that you have a health condition unless it will affect your ability to do the job for which you have applied. Some people choose to wait and see how the recruitment process goes before deciding whether to tell them or not. Many organisations use health screening processes as part of their recruitment process. Employers often do not ask candidates to complete any health questionnaire or attend a medical until they have made a formal job offer but this is at the discretion of the employer concerned. Generally, if a pre-employment medical questionnaire is used, it will have been designed by the organisation's physician and will be returned directly to that occupational physician.

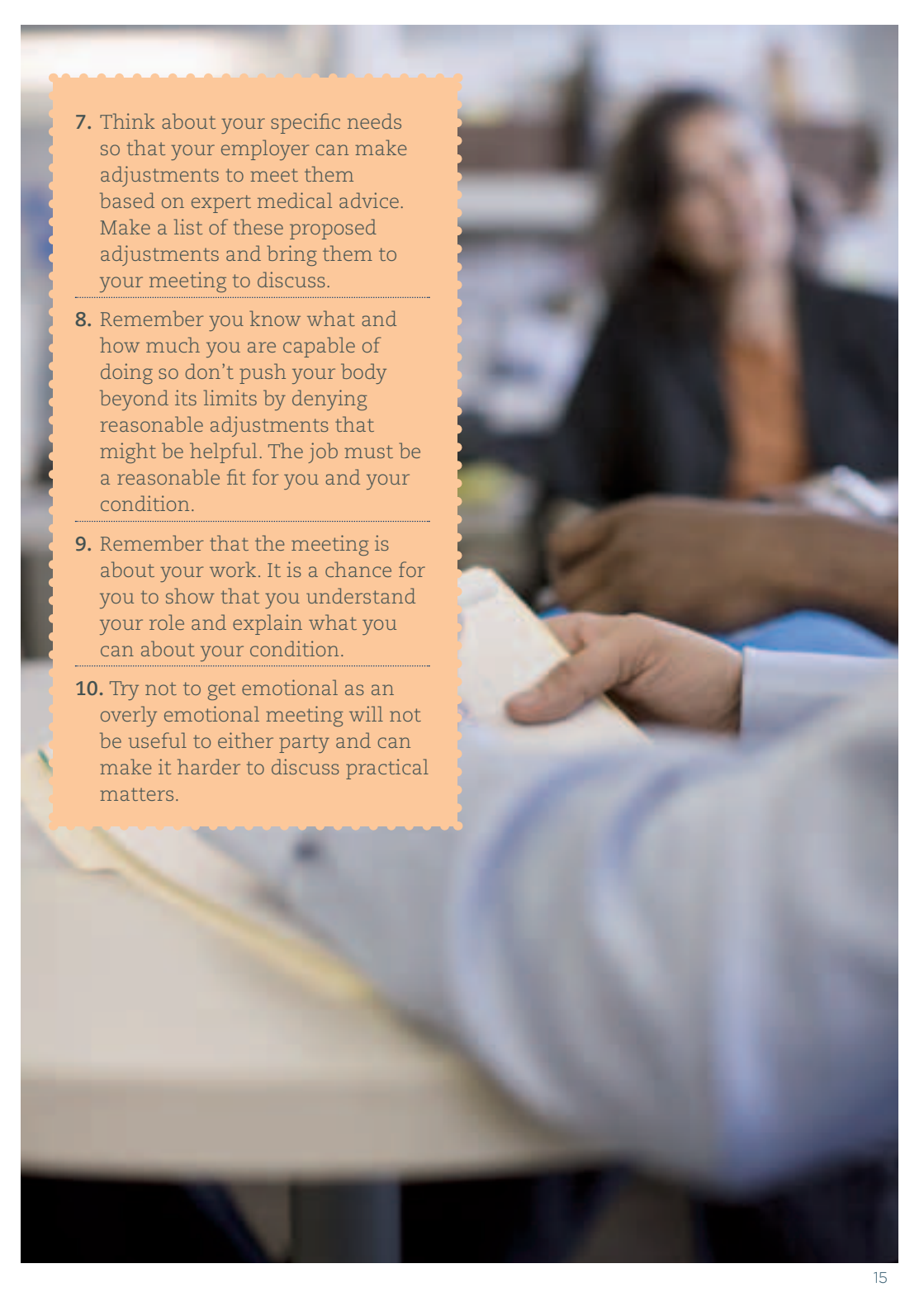
Employers may still ask candidates if they have any condition that would require adjustments being made to the recruitment process itself. If, during the recruitment process you are asked if you have a medical condition that might affect your ability to do the job, you must of course answer truthfully, and discussions at this point in the process should include any adjustments that might allow you to do the role.

If your MSD means that you will need adjustments to the job you are applying for, you should discuss this with the employer and, in advance, consider any reasonable adjustments you may require. This is particularly important if there are health and safety considerations.

(This could range from your condition affecting your ability to leave a building easily in case of fire, to doors with knobs which are difficult to turn.) In practice, it is very rare for employers not to be able to make adjustments to comply with health and safety legislation and only rarely should this be a barrier to you continuing in your job.

Disclosing your MSD:

1. Take time to think about when and how to tell your employer, and who you want to involve.
2. The help of a healthcare professional, such as an occupational therapist, may be of benefit to advocate and negotiate on your behalf, if a number of adjustments are needed to ensure your safety and work ability in the work setting.
3. Consider bringing someone with you e.g. colleague, employee representative or a member of your healthcare team.
4. Write to your employer to request the meeting and summarise afterwards in writing.
5. Bring along a copy of this booklet or the employer's resource "*Arthritis, back pain & related conditions: a guide for employers*".
6. You might find it helpful to practise explaining your MSD and how it affects you.

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7. Think about your specific needs so that your employer can make adjustments to meet them based on expert medical advice. Make a list of these proposed adjustments and bring them to your meeting to discuss.
 8. Remember you know what and how much you are capable of doing so don't push your body beyond its limits by denying reasonable adjustments that might be helpful. The job must be a reasonable fit for you and your condition.
 9. Remember that the meeting is about your work. It is a chance for you to show that you understand your role and explain what you can about your condition.
 10. Try not to get emotional as an overly emotional meeting will not be useful to either party and can make it harder to discuss practical matters.

“What can I do to manage my MSD in the workplace?”

There are lots of reasons why people might experience difficulties or stop working altogether when they have an MSD – whether through lifestyle choice, or because of symptoms affecting work. Everyone copes with the effects of their MSD in different ways. It's worth thinking about how to make full use of any help that is available to you. There are some practical things you can do yourself and there is help available in the workplace.



Practical tips

- It helps to be proactive. Find out as much as you can about your MSD. The more you understand your condition, the more you will feel in control about the decisions you take.
- Give information leaflets about your condition to your employer and ask them to read them.
- Remember that your healthcare team is there to provide support. If your condition changes or you feel it is not well controlled, ask for help quickly. Don't just put up with it!
- Ask your nurse or physiotherapist about different methods of pain control.
- A physiotherapist can help with pain management and simple exercises, such as stretching and keeping mobile at work.
- A podiatrist can help with problems with your feet or ankles. They can give advice and treatment to help reduce your pain. It can make all the difference at work to have comfortable feet.
- Seek advice and support from an occupational therapist at an early stage. They can advise on a wide range of work issues. For example, they can assess if the work role is appropriate for you and can liaise with your employer to negotiate adjustments/changes if needed.
- If your company has its own occupational health adviser you may prefer to approach them first. Their role is to support the health of employees at work.

Learning to self-manage

Two of the main challenges to remaining in work are pain and fatigue. Learning how to cope with these is one of the best investments of your time you can make.

There are effective self-management strategies that you can learn and use, including joint protection, pacing, sleep management, exercise, relaxation and stress management. If you can learn these early and use them sufficiently in your daily life, you will see the benefit. These strategies help to prevent or slow down problems in the future, if people change their habits and use them enough.

Seeking the help of an occupational therapist to assess what methods of work are best for you, and help tailor these strategies for you will also be of help.

Arthritis Ireland runs *Living Well with Arthritis* self-management programmes to enable people to manage their condition more effectively and take back control of their life.

Visit www.arthritisireland.ie or LoCall **1890 252 846** to find out about a course near you.

Here are some healthy practices that you can follow in the workplace

Good posture and positioning

Sitting or perching rather than standing maintains a good posture and saves energy during lengthy tasks. If your job requires you to stand for long periods, talk to your employer about what adjustments are feasible e.g. perch. Remember your manual handling training and to think about how you handle or lift objects, to prevent injury and use energy effectively.

Make sure your worksite is set up to support you

This might include making sure that your chair and computer monitor is at the right height and angle; it might entail using an external mouse and keyboard with a laptop; using a headset rather than a standard phone; having a footrest; being aware of your posture, seating position and movements; and changing position regularly to minimise strain.

Organisations can provide 'ergonomic' assessments of the workplace and workplace furniture at regular intervals. You could ask for an up-to-date review of your own workstation or you could ask your occupational therapist to advise you. An ergonomic assessment examines how suitable and comfortable your work area is.

Organise

Keep frequently used items within easy reach. Adaptations to your mouse, keyboard, remote controls and telephone headsets also limit the effort required to complete tasks.

Plan and adapt

Different activities demand varying levels of physical and mental effort. It is important to balance them. Plan tasks around regular rest periods. Break them down into manageable stages and complete essential ones when pain and fatigue is at its minimum.

Prioritise tasks


Schedule tasks according to your energy levels and allow yourself to rest or undertake less critical tasks after periods of concerted effort.

Prioritise daily activities

Make a list of your regular habits and routines. Some activities will be an obvious priority, it may be possible to share, alter or even eliminate others with agreement of your employer. Pace yourself in what you need to do after a working-day. You may need to cut back on household chores and prioritise time for rest/ light exercise/ social outings.

Take short breaks

Take regular movement breaks – for example, walking to the photocopier or water fountain. No-one needs to know you are doing this for a movement break. Repetitive tasks like keyboard or telephone work should be broken up with short periods of rest, or non-repetitive activity.



Make use of your scheduled breaks

Try to use your designated break times for rest / light exercise, as appropriate.

Use leave entitlements

Maximise opportunities to rest and refresh during the holidays and breaks you are entitled to, and spread them throughout the year. You may need to use leave for rest at times.

Healthy diet

A low fat diet avoiding heavy, hot meals is effective in limiting fatigue. Excessive alcohol and smoking can also have a negative impact on the level of fatigue you experience.

Take lunch and tea breaks

Use your lunch or tea breaks to stay nourished and hydrated. Lack of nourishment and fluids can contribute to fatigue.

Exercise

Gentle aerobic exercise promotes muscle efficiency and strength and increases stamina, but discuss it with a health professional before starting any exercise regime. It can be useful to get out at lunch-time for a brief stroll to mobilise the joints and refresh the energy.

Manage your journey to work

Take into account your commute to work and allow extra time for this if needed. You may need to take a rest after travelling to your place of work so allow for this in your time-plan.

Consider reduced or restructured working hours

Explore the possibility of changing your working hours or even working from home on occasion if the nature of your work allows for it and your employer can facilitate it. Seek the advice and support of your doctor in raising these issues with your employer.

“When should I get help with my job?”

It's best to seek help at an early stage. Many people put off getting help about work until there is a crisis or they are forced to take more sick leave. Once people go on extended sick leave, they are more likely to lose their job within a few years.

A loss of confidence in your ability to fulfil the work role is also very common if you are out of work for anything greater than 3 months. Making changes to how you do your job sooner rather than later may keep you in work for longer. It may well also be cheaper as your employer can put changes in place before the problem becomes more costly.



Who can help?

Occupational Physicians are highly trained specialists who provide a wide range of services relating to the health of workers and employers. They focus on the inter-relationships between workers, their workplaces and their work practices. Occupational physicians consider medical issues within the wider context of their psycho-social, industrial and motivational frameworks, and have a key role in communicating with employers, business and government. They may be employed by a large organisation to work in an in-house occupational health service, or may be employed by a third-party occupational health provider to deliver contracted services, or they may be self-employed.

Occupational Therapists (OT) specialise in enabling people with underlying medical conditions or disabilities to perform work, leisure, daily activities and social roles more easily. They can help you maximise your performance, participation and general quality of living despite limitations or changes in your health. They can also help with balancing lifestyles and can also assess the impact of your condition across all aspects of your daily life, to help reduce pain and fatigue in non-work activities too. This helps you to get a good work/life balance and therefore helps you to continue working.

Occupational Health Nurses specialise in work-related health issues. Their role is to help prevent accidents and ill health at work. They provide care to employees through health promotion, health surveillance, advice on rehabilitation as well as contributing to the management of health and safety. They also work to reduce absenteeism through effective case management.

Any of these health professionals with expertise in work related health (i.e. occupational therapists, occupational health physician, occupational health nurse, physiotherapist) can provide workplace advice and/or job analysis and assessments. Assessments can be carried out by visiting you at work or by a structured interview.

If the health professional can visit you at your workplace, they can see your physical environment and what you do. They can evaluate job tasks and advise how you might simplify or modify them to reduce the effort needed. They may suggest: changes or adaptations to equipment; ‘assistive technology’ (meaning gadgets to help you in using equipment); other devices such as splints; changes to your work environment; changes to your work role and tasks; and changes in how you perform the job. Therapists can also, with your permission, discuss issues with colleagues and employers sensitively; advise you on employment law and your entitlements.

If you do not want or need a workplace visit, the therapist can use a structured interview assessment to help identify the problems you have or may have in doing your job. They can help you to prioritise these, come up with acceptable solutions and draw up action plans to make the changes you need.

Chartered physiotherapists are trained specialists in the study of human movement. Physiotherapists working in the field of occupational health and safety have additional expertise in human movement at work, its effect on the musculoskeletal system and with disorders attributed to the physical working environment. Along with clinical practice and the treatment of work related injuries, chartered physiotherapists have an important role to play in the following areas: education and training, manual and patient handling instruction, ergonomic considerations, health promotion and general fitness, health and safety, risk assessment, work hardening, functional capacity evaluation and pre-employment screening and functional restoration.

“An occupational therapist assessed my workstation and made a series of recommendations that have made a huge difference to the way I work.”

What kind of changes might

Ways to help relieve pain at work:

- exercise programmes to stretch your joints and relieve pain between tasks, e.g. hand exercises
- alternative ways of doing the job/tasks to alleviate pressure on your joints and limbs
- splints to relieve pain in the wrists and increase the strength of your grip
- taking of regular movement breaks to provide rest periods for joints and muscles
- changes to your footwear, including insoles in your shoes to reduce lower limb pain
- use of heat or ice packs in the workplace to reduce pain and inflammation
- regular taking of painkillers – including as a preventative measure

Changes to equipment, including:

- adapted computer equipment, such as ergonomic keyboards, an ergonomic mouse and voice-activated software
- better ergonomic seating
- better positioning of office equipment and furniture to reduce strain on joints
- equipment to help with driving to and from work, e.g. adapted controls, specialist car seats
- adaptive equipment and gadgets to help save energy and joint movements to help you complete work tasks in a smarter manner

What can be made at work?

Changes to the physical environment, including:

- ramps, rails, changes to door handles, automatic opening doors
- stair lifts to improve access, parking space nearby, change in working location to reduce distance walked or to avoid stairs
- investigate possibility of occasionally working from home to reduce commute and energy cost

Training in new skills, including:

- alternative ways of doing tasks to reduce pressure and load on joints and limbs
- how to keep the correct posture and protect your joints by using different movement patterns
- how to conserve energy by pacing yourself, so that you reduce pain and fatigue and increase your endurance
- training in communication skills, to help you negotiate support from your colleagues and employer

Alterations to your hours, where it is feasible for your employer to facilitate such alterations including:

- reduced hours, more flexible hours
- working from home for part of the time
- a temporary restriction from shift or night work
- steady flow of work tasks versus working to rushed deadlines or targets

How do I find an occupational therapist or physiotherapist?

Your local healthcare team may have an occupational therapist or physiotherapist in the team or in a separate unit in the hospital. You can ask your GP or any team member at your healthcare centre to refer you to a local occupational therapy or physiotherapy department service. All HSE areas have access to these services although there may be a waiting list to be seen.

If these services are not available locally or within your desired time-frame you can contact the **Association of Occupational Therapists in Ireland (AOTI)** www.aoti.ie where you can learn how to access an OT or The **Irish Society of Chartered Physiotherapists (ISCP)** www.iscp.ie where you can learn where to access physiotherapy through the HSE or privately for a fee.

Other sources of help

Some private companies also provide workplace assessments. Therapists may be self-employed or employed by health insurance companies, private health companies, or rehabilitation case management companies, some of which specialise in musculoskeletal conditions.

“What are my legal rights?”

You have the same general employment rights as other employees. You can get information about these general employment rights from various sources.

Your contract and other documents, such as an employee handbook, will also have information about your organisation. Ask your line manager, human resources department or employee representative for these if you don't have them.



As well as these laws and documents that apply to everyone, as someone with an MSD you are also covered by the following legislation:

Equality legislation:

The Employment Equality Acts 1998-2011 outlaw discrimination on the grounds of disability in employment, including training and recruitment. However, the Employment Equality Acts state that an employer is not obliged to recruit or retain a person who is not fully competent or capable of undertaking the duties attached to a job.

The Employment Equality Acts 1998-2011 require employers to take appropriate steps to accommodate the needs of employees and prospective employees with disabilities. Reasonable accommodation can be defined as some modification to the tasks or structure of a job or workplace, which allows the qualified employee with a disability to fully do the job and enjoy equal employment opportunities.

Health and safety:

Under the Safety, Health and Welfare at Work Act 2005 employers must ensure the safety, health and welfare of all employees in their workplace.

Special mention is made of employees with disabilities and employers are directed to take their needs into account, particularly with regard to doors, passageways, staircases, showers, washbasins, lavatories and workstations.

Public service quota:

The Disability Act 2005 (Part 5) obliges public bodies to, as far as practicable, take all reasonable measures to support and promote the employment of people with disabilities, and, unless there are good reasons for not doing so, to reach a target 3% of employees with disabilities.

What is “reasonable accommodation”?

Many people with MSDs never need workplace adjustments, but the legislation provides for employees with disabilities to ask their employer for reasonable adjustments to their job. These adjustments are to make sure the job is no harder to do than it would be for someone who doesn't have a disability. You may need the advice of a suitably qualified health professional (e.g. occupational therapist) to help you identify the accommodations that you should negotiate on and that may assist your work performance while protecting your joints and energy reserves.

Many adjustments relevant to people with MSDs are inexpensive or cost neutral and might include one or more of the following:

- enabling you to take more regular breaks
- providing a place where you can rest for short periods during your working day
- flexible or reduced working hours, where this is feasible
- allocating some of your work to someone else where this is feasible
- avoiding excessive deadlines or targets which could have been planned for
- arranging for you to be exempt from shift work or extended work shifts
- allowing time off for medical appointments
- assigning you to a different role in the organisation where this is possible and you have the relevant skills required
- arranging for meetings to be held at a time or place to suit you
- creating a flexible working pattern which enables you to do some of your work from home
- giving you a car parking space by your nearest entrance to work
- improving physical accessibility – e.g. by providing handrails or a ramp
- providing an adapted keyboard or mouse if you find typing difficult
- providing a special chair if you cannot stand for long periods

The employer is not obliged to provide anything that the person would normally provide for themselves. For example, an employer would not be expected to provide hearing aids for a person with impaired hearing. An employer might not have to provide these types of appropriate measures if it meant that the employer would suffer a 'disproportionate burden'.

What's 'reasonable'?

When considering whether an adjustment is 'reasonable', the employer can take into account:

- ⑧ how effective it would be in improving the situation
- ⑧ its cost
- ⑧ how feasible it is
- ⑧ the availability of resources (money, equipment and people)
- ⑧ the type of activity a business undertakes
- ⑧ how long you have/are likely to work for the organisation
- ⑧ the size of the organisation

There is no limit to the number of adjustments that you can ask for. There is also no limit on how often you ask for them. There may be times when you need to ask for several in a short space of time. There may be several years where you don't need to ask for any. Whenever your needs change, you have the right to ask for adjustments. Your employer cannot pass the cost of any adjustments on to you.

A 'disproportionate burden' means that it might put unreasonable pressure on some employers to carry out the measures needed.

Before an employer can claim that providing the suitable measures or facilities would place them under a 'disproportionate burden,' they must look at the possibility of obtaining public funding, grants and so on. If help is available to them, it might make the changes possible. Knowing your rights can be one way of reassuring yourself that any adjustments you might seek are reasonable.

Under these laws, people with MSDs are covered from the point of diagnosis rather than from the point when the condition has adverse effects on their ability to carry out normal day-to-day activities.

'Disability' can seem like a strong word if you do not consider that your MSD is having a major impact on how you manage things – or if you feel that disability is a label that does not apply to your circumstances. But however you feel your MSD affects you, or whatever you consider your level of disability, it is important to know your rights and entitlements under the law.

This will help you to be clear and assertive if you want to address situations that arise at work in relation to your health. Gaining a health professional's expertise in this area can help you realise the accommodations that may improve your work ability and also help you negotiate with your employer for these changes to be made.

Remember:

- Knowing your rights under the law gives you choices.
- You are not alone.
- Employers already successfully employ individuals who have an underlying medical condition that qualifies as a disability under the Employment Equality Acts 1998-2011.
- The skills, aptitudes, personality, interests and needs you bring to a workplace are valuable.
- If your needs have altered because of your MSD, the law gives you the right to seek reasonable accommodation of those changed needs.

Sick leave

In general an employee has no right under employment law in Ireland to be paid while on sick leave. Consequently, it is at the discretion of the employer to decide his/her own policy on sick pay and sick leave, subject to the employee's contract or terms of employment. Under the Employment (Information) Act 1994 and 2001, an employer must provide an employee with a written statement of terms of employment, including those relating to incapacity for work due to sickness or injury within two months of employment.

Often, your contract of employment will place a maximum period of sick pay entitlement in a stated period, for example, one month's sick pay in any 12-month period. Clear rules should be put in place by the employer where an employee is sick and is unavailable for work. For example, it should be clear that if you are sick and unavailable for work, you must contact a specified person by a certain time.

Your employer can require you to provide a medical certificate (from your GP or family doctor) when you are on sick leave.

Regardless of whether there is a company sick pay scheme or not, you may also apply for **Illness Benefit** if you have enough social insurance contributions. If you do not have enough social insurance contributions, you should contact the Department of Social Protection's representative (formerly the Community Welfare Officer) at your local health centre who will assess your situation.

If you are entitled to company sick pay, your employer may make it a condition of the company sick pay scheme that you sign over any Illness Benefit payment from the Department of Social Protection to the company for as long as the organisation's sick pay continues.

Accident or injury at work

If you have an accident at work and are unable to work, you can apply for **Injury Benefit**. This is a weekly payment from the Department of Social Protection designed for when you are unfit for work due to an accident at work or an occupational disease (a disease that has developed because of the type of work you do). Under the **Medical Care Scheme**, you can claim certain medical costs that are not paid by the Health Service Executive (HSE) or covered by the **Treatment Benefit Scheme**.

If you are entitled to company sick pay, your employer may make it a condition of the company sick pay scheme that you sign over any Injury Benefit payment from the Department of Social Protection to the company for as long as the organisation's sick pay continues.

The Injuries Board www.injuriesboard.ie is responsible for reviewing workplace accident-related industry claims.

Time off for medical appointments

The Employment Equality Acts 1998-2011 obliges employers to make reasonable accommodation. One example of this is to allow a person 'to be absent during working or training hours for rehabilitation, assessment or treatment'. There is no automatic right to be paid for time attending such appointments, though again many organisations do pay it. You may find that it is easier to take annual leave at times for such appointments.

If you take sick leave due to your MSD, your employer should disregard these absences when considering any attendance-related disciplinary issues, performance measures or selection criteria for promotion or redundancy. However, you will be subject to the company's normal sick pay policy. An employer does not have to pay more sick pay to a person with a disability or health condition.

What if I feel I am not being treated fairly?

Not everybody with MSDs has a totally positive experience of work. There can be different hurdles. It might be a line manager who fears that a person with a disability or health condition will be a drain on resources or prevent targets being met. It could be colleagues who think that you are getting preferential treatment, or not making a full contribution to the team effort.

Whatever the situation, if you have concerns, there is a process to go through. There should be a grievance procedure in place in your workplace and that should be used.

Here it is in summary. People often find the problem is resolved in the early stages.

1. Talk informally with your employer

Whatever your concerns, you should discuss them with the people involved. Informal discussions are usually the best starting point and can resolve many issues.

2. Talk formally with your employer

If informal approaches do not improve things, you should raise the issue in a more formal setting. The best person to speak to will depend on the size of the organisation.

3. Write to your employer with your grievance

If the conversation is difficult to arrange, or does not bring the results you had hoped for, write to your employer outlining that you are experiencing discrimination (worse treatment than other employees). This is known as a 'grievance'.

The employer should then arrange a meeting with you to discuss the grievance, where you can be accompanied by a colleague or employee representative.

If you believe you have experienced discrimination at work, you may write to your employer and tell them you feel you have been badly treated. Even though your employer might not be the actual person who discriminated against you or harassed you, they are responsible. You may ask for certain information which might help you to decide whether or not to carry on with your claim. This could include details of pay scales or statistics on gender or nationality of employees.

Your employer is not obliged to reply, but, if they don't, it means that an Equality Officer might view this failure to reply as seriously as if the employer supplied false, misleading or inadequate information. Your employer is not obliged to disclose confidential information.

If you're requesting information from your employer, you use Forms EE2 and EE3, which are available from the **Workplace Relations Commission**
www.workplacelrelations.ie.



4. Issue a claim to the Workplace Relations Commission

If you are not satisfied with the result of the grievance or if you don't get a response, you can issue a claim for discrimination on disability grounds to the Workplace Relations Commission which is similar to a court and has the power to investigate, judge and decide on equality cases. In fact, you do not have to submit a grievance with your employer to make a claim to the Workplace Relations Commission.

Time limits

You must make your complaint of discrimination or harassment within six months of the date of the latest act of discrimination.

The six-month time limit can be extended up to 12 months by the Director of the Workplace Relations Commission if they consider there is a good reason to do so. The form used for making a complaint to the Workplace Relations Commission is EE1.

Mediation

This is where the Director of the Workplace Relations Commission appoints a mediation officer to help settle the dispute. The mediation officer will be a neutral person and will give both parties an equal chance to give their side of the dispute. Both you and your employer must agree to this. The job of the mediation officer is to work with both parties to help them reach an agreement and settle the claim. If a settlement is reached through mediation, the terms of the settlement are legally binding.

Investigation

If the case is not dealt with by mediation or the mediation fails, the case will be referred to an Equality Officer who will investigate the claim and make a decision. Investigations are held in private – that is, there are no members of the public present. The Equality Officer will issue a decision which is legally binding.

“What if my job is no longer suitable?”

Depending on how your condition affects you, the time may come when you need to consider changing jobs, even after reasonable adjustments have been made. You might want to consider alternatives.



Alternatives could include:

- Where feasible, another role within the organisation that you are suitably qualified to do.
- Becoming self-employed. If you have, or are willing to develop the appropriate skills, this might be an option. In general, a self-employed person has more control over the volume and pace of their work. There are government initiatives to support people who take this option.
- A different career which might involve retraining. Financial support for retraining might be available through various government initiatives and welfare allowances.
- A sabbatical – some employers allow their employees to take an unpaid break so that they can pursue a personal interest or explore a potential new direction.
- Voluntary work.
- Retirement.

Get support, information and advice from organisations, such as those listed at the back of this booklet, your employee representative, and Arthritis Ireland before you make any decisions.


Self-employment
Change of career
Sabbatical
Voluntary work.
Support, information
Advice

Your occupational therapist can help you with this decision and help you find pathways to new employment or retraining. A small number of people find they have to stop working altogether. This is never an easy decision and it is important to get professional advice about your rights and options. Remember that giving up work does not mean that you are giving up life: retraining, further education and voluntary work may all open new doors for you and can be very beneficial for your health and satisfaction.

Returning to education

Retraining or returning to education is a great option to consider if you want or need a change in career or job area. There are many educational programmes available now to those that are unemployed or have chronic illnesses.

The adult education guidance service for your county www.aegai.ie can also provide guidance as to your education/training options or your occupational therapist can advise also. There is a lot of support and help available for people living with disabilities and health conditions in every college. A disability or access officer can help with a range of support services to ensure that students with arthritis have full access to the same facilities for study and recreation as the rest of the college community.

A photograph of two women, one older and one younger, both smiling and looking at a laptop screen. The older woman is in the foreground, wearing a blue shirt, and the younger woman is behind her, wearing a red top. They appear to be in a classroom or workshop setting.

Some people with MSDs may require extra time for exams, a scribe, movement breaks, a laptop, or online notes and this can sometimes be arranged with support from your occupational therapist or healthcare team.

The **Citizen's Information Board** can also advise you as regards educational allowances you may be entitled to

www.citizensinformation.ie.

If you are unemployed, parenting alone or have a disability and are getting certain payments from the Department of Social Protection, you may attend a second-or third-level education course and get the **Back to Education Allowance (BTEA)**.

If you want to do other types of courses not covered under the BTEA, for example, personal development courses or general training courses. You can return to education under the **Education, Training and Development** option, **Part-time Education** option or the **Vocational Training Opportunities Scheme (VTOS)**.

For more information visit

www.welfare.ie.

“I want to return to work. Where should I start?”

When re-entering the workforce after an absence, it is important that you take stock of your skills and the practicalities associated with both your disability and the kind of work for which you are applying.

A lot of employers have equal opportunities policies in place and make it clear on job applications that they welcome applications from suitably qualified people with disabilities. However, you should be aware of your rights and the obligations potential employers have towards you under equality legislation.



It is up to you to decide whether to disclose your disability to potential employers. This is particularly so if your disability is not obvious (such as a chronic illness like arthritis or a mental illness) but may keep you from performing certain duties. While you may have your reasons for keeping your disability private, your employer cannot accommodate any special needs you may have if they do not know about your condition.

There are a number of support schemes and training opportunities available to people with disabilities who want to enter the workforce.

“Having been out of work for a long while, I registered with my local employment services office and that set me on the right track.”

Supports and training

Labour market services for people with disabilities include helping them find paid employment or preparing them for work through training or employment programmes. Employment supports are provided by the **Department of Social Protection** www.welfare.ie. A range of schemes are generally on offer but it is important to check your eligibility for schemes as some are available to those on the live register only and not those who are out of work due to illness.

There is vocational training for the unemployed and for people who are re-entering the workforce through specific skills training and traineeships. Training for people in employment is offered through apprenticeships and in-company training. People with disabilities are encouraged to make use of all these training options.

Training courses for people with disabilities who may need more intensive support than would be available in non-specialist training courses are delivered by specialist training providers. Some key features of specialist training include adapted equipment, a more individual approach and longer training sessions.

For more information on these options contact **Education and Training Boards Ireland** www.etbi.ie

Supported Employment Programme

The Supported Employment Programme helps people with disabilities find work and offers them ongoing support, including job coaches throughout their employment. The programme operates through a range of organisations around the country. The service provides a number of 'on-the-job' supports, such as a job coach who will assist both the employer and the person seeking employment. For more information on these options, contact your local **Employability Service** www.employability.ie.

If you would like to pursue this you should register with your **local employment services office** or employment and income support Intreo centre and apply for the Supported Employment Service and express your interest in the service. You can find out where your local employment services office or Intreo centre is at www.welfare.ie.

**The Community
Employment scheme**
**JobBridge, the National
Internship Scheme**
Skillnets
SOLAS

Employment schemes

If you are getting certain disability payments, for example, Disability Allowance, you may be allowed to do some work that is rehabilitative or therapeutic - with permission from the Department of Social Protection.

There are a range of schemes available, here is just a sample:

1. The **Community Employment Scheme** is designed to help people who are long-term unemployed and other disadvantaged people to get back to work by offering part-time and temporary placements in jobs based within local communities. Participants can take up other part-time work during their placement. After the placement, participants are encouraged to seek permanent part-time and full-time jobs elsewhere based on the experience and new skills they have gained while in a Community Employment Scheme. If you want to participate in a Community Employment Scheme, contact your local employment services office or Intreo centre for information about community employment job opportunities at www.welfare.ie.
2. **JobBridge, the National Internship Scheme** provides work experience opportunities for people getting certain social welfare payments, including Disability Allowance. Participants in the scheme will be offered an internship of 6 or 9 months with a host organisation.

If they take up an internship they will keep their social welfare payment and will get an extra €50 per week.

If you are eligible for the scheme, you can check the current internship opportunities on

www.jobbridge.ie.

3. **Skillnets** funds training networks in a range of sectors and/or regions around Ireland, providing training opportunities for people who are both employed or unemployed. For more information visit www.skillnets.ie.

4. **SOLAS** is the new **Further Education and Training Authority** in Ireland. It is responsible for funding, planning and co-ordinating training and further education programmes. There is a wide range of Further Education and Training (FET) courses available that might assist you. They fall under 2 different types of training:

● **The Traineeship Programme** provides training and relevant work experience. If you are unemployed and looking for an opportunity to gain training, experience and a formal qualification in a particular area of work, the Traineeship Programme may suit your needs. Traineeships are full-time.

● **Specific Skills Training** allows people who have lost their job or who are changing job to learn new job-related skills. There are short and long day courses, online courses, blended learning and evening courses. For more information visit www.solas.ie

Other employment support

People with disabilities who want to start their own business may be eligible for the **Back to Work Enterprise Allowance** which encourages unemployed people, lone parents and people getting Disability Allowance to take up self-employment. If you take part in the Back to Work Enterprise Allowance Scheme you can keep a percentage of your social welfare payment for up to 2 years.

If you live in an area covered by a **Local Development Company** (check www.ildn.ie to see if you live in one of these areas), you should apply to the Enterprise Officer in your local LDC.

If you do not live in a LDC area, you should apply to the Case Officer in your **Intreo Centre or social welfare local office**. Details can be found on www.welfare.ie.

www.etbi.ie

www.employability.ie

www.welfare.ie

www.jobbridge.ie

www.skillnets.ie

www.solas.ie

www.ildn.ie

“Finances and access to benefits”

The Citizens Information Board offers a comprehensive booklet that outlines all entitlements for people with a disability, including rights relating to work, education and training. You can get this booklet ‘*Entitlements for People with Disabilities*’ by visiting your local Citizens Information Centre or contacting them on **0761 07 4000** or **www.citizensinformation.ie**



Social insurance payments

You may be able to apply for state benefits to help with the extra costs of having an MSD or if you are unable to work. Some of the main disability-related payments are:

Illness Benefit

This was previously called Disability Benefit and is a short-term payment made to people who are under 66 and unable to work due to illness. It can be paid in the long-term. Your PRSI contributions or credits must be up-to-date.

Invalidity Pension

Invalidity Pension is payable for as long as you are unable to work. At the age of 65, the personal rate of payment increases to the same rate as the State Pension (Transition). At age 66, you transfer to the State Pension (Contributory).

Partial Capacity Benefit

If you are getting Illness Benefit or Invalidity Pension and you wish to return to work you may qualify for Partial Capacity Benefit. This is a social welfare scheme which allows you to return to work or self-employment (if you have reduced capacity to work) and continue to receive a payment from the Department of Social Protection. If you have been getting Illness Benefit (for a minimum of 6 months) or Invalidity Pension and wish to return to work, you may qualify for Partial Capacity Benefit if your capacity for work is reduced by your medical condition.

Other Benefits

A **Living Alone Increase** is payable regardless of age if you live alone. You may also qualify for **free travel** and the **Household Benefits Package**, which includes allowances towards household bills.

The Treatment Benefit Scheme is run by the Department of Social Protection to provide dental, optical and aural (hearing) services to people with the required number of PRSI contributions.

“Due to my condition, I had to take a period of time out of work. Knowing that there was a payment I could receive, removed a lot of stress and worry.”

A woman with long brown hair, wearing a patterned shirt, is seated in a wheelchair. She is looking out of a window, with her profile visible. The background is slightly blurred, showing an indoor setting with a window and some furniture.

Means-tested payments

Disability Allowance

This is a long-term, means-tested payment made to people with a disability. The disability must be expected to last at least a year. You must be aged between 16 and 66, satisfy a means test and a habitual residence test (a test about how long you've been living in Ireland), and have a specified disability which restricts you in undertaking suitable employment. The means test will take your own means and the means of your spouse or partner into account. Your parents' means are not counted.

You may qualify for a **Living Alone Increase** and the **Household Benefits Package**, which includes allowances towards household bills. If you are awarded Disability Allowance, you get a **Free Travel Pass** automatically. This allows you to travel free and your spouse or partner to travel free in your company. If you are medically assessed as being unable to travel alone, you may be entitled to a **Companion Free Travel Pass**. You can do rehabilitative work (which includes self-employment) and earn up to €120 per week (after deduction of PRSI, any pension contributions and union dues) without your payment being affected. You must get permission from the Department of Social Protection before you start work.

Health service

Medical Card

Most medical cards are granted on the basis of a means test or medical need. Each case is decided on its merits but you may qualify if your income is not much above the guideline figure and your medical costs are very high. It may be possible for one or more members of a family (who would not otherwise qualify) to get a medical card in their own right if they have high medical expenses or needs.

GP Visit Card

The purpose of this card is to help people who are not eligible for medical cards with the costs of visiting a doctor. The card covers you for GP visits but nothing else.

Drugs Payment Scheme

With a Drugs Payment Scheme (DPS) card, an individual or family in Ireland only has to pay a maximum amount every month for approved prescribed drugs, medicines and certain appliances - even if the actual cost is more than the maximum amount set. Everyone in Ireland who doesn't have a medical card should apply for the DPS card.

Hospital Charges

Everyone resident in Ireland is entitled to be treated free of charge in a public bed in a public hospital. Some people may have to pay maintenance charges. Outpatient services, when you are referred by your GP, are also provided free of charge.

Tax Relief

You may get tax relief on certain health expenses, including prescription medication, which you have had to pay for yourself and can't claim the money back from any scheme or government department. You make this tax claim on a Med1 form, available from your local tax office or online at www.revenue.ie.

Claiming benefits can be complicated and time consuming, so it's worth getting expert help and advice from:

- a social worker from your local health office
- a housing welfare officer from your local authority
- your local social welfare office

“Useful contacts”

Useful contacts

Adult Education Guidance Association of Ireland (AEGAI)

Provides a guidance service to adults who are participating, or considering participating in adult educational programmes.

Web: www.aegai.ie

Arthritis Ireland

National organisation that works to transform the experience of people living with arthritis through the provision of a broad range of supports and services.

Tel: LoCall 1890 252 846

Web: www.arthritisireland.ie

Association of Occupational Therapists in Ireland (AOTI)

The professional body for occupational therapists in Ireland.

Tel: (01) 874 8136

Web: www.aoti.ie

Careersportal.ie

Ireland's national career guidance resource, providing the most up-to-date and relevant guidance materials to those needing or providing career guidance.

Web: www.careersportal.ie

Chronic Pain Ireland

National charity providing information, education and support services to people living with chronic pain, their families and friends.

Tel: (01) 804 7567

Web: www.chronicpain.ie

Citizens Information Board

Provides information on public services and entitlements in Ireland.

Tel: 0761 07 4000

Web: www.citizensinformation.ie

Department of Social Protection

A department of the Government whose mission is to promote a caring society through ensuring access to income support and other services, enabling active participation, promoting social inclusion and supporting families.

Web: www.welfare.ie

Education & Training Boards Ireland

ETBI is the national representative association for Ireland's sixteen Education and Training Boards (ETBs).

Tel: (045) 901 070

Web: www.etbi.ie

Employability

Employ Ability Limited is a supported employment service for people who have a disability or health issue and live in the Dublin southwest area.

Tel: (01) 460 3081

Web: www.employability.ie

Health & Safety Authority

National statutory body with responsibility for ensuring that all workers (employed and self-employed) and those affected by work activity are protected from work related injury and ill-health.

Tel: LoCall: 1890 289 389

Web: www.hsa.ie

IASÉ (Irish Association of Supported Employment)

National voluntary organisation promoting supported employment for people with disabilities.

Tel: (097) 82894

Web: www.iasé.ie

INOUE (Irish National Organisation of the Unemployed)

The INOUE works at local and national levels on issues affecting unemployed people.

Tel: (01) 856 0088

Web: www.inoue.ie

Irish Society for Chartered Physiotherapists (ISCP)

The professional body of chartered physiotherapists in Ireland.

Tel: (01) 402 2148

Web: www.iscp.ie

National Disability Authority

Ireland's independent state body providing expert advice on disability policy and practice to Government.

Tel: (01) 608 0400

Web: www.nda.ie

SOLAS

SOLAS is the new Further Education and Training Authority in Ireland. It is responsible for funding, planning and co-ordinating training and further education programmes.

Tel: (01) 533 2500

Web: www.solas.ie

SUSI (Student Universal Support Ireland)

SUSI (Student Universal Support Ireland) is the single national awarding authority for all new student grant applications.

Tel: 0761 08 7874

Web: www.susi.ie

Worklink

Worklink assists unemployed job seekers to reach their employment goals through confidence building and job readiness programmes.

Tel: (01) 291 6603

Web: www.worklink.ie



Fit for Work Ireland
c/o Arthritis Ireland
1 Clanwilliam Square
Grand Canal Quay
Dublin 2

Web www.fitforwork.ie
Email fitforwork@arthritisisireland.ie
Tel 01 661 8188