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# Dyslexia@work.EU

Erasmus+ Project

Phase 1 – Definitive Comparative Analysis

Dyslexia@Work - Erasmus+ KA2 project (no. 2019-1-IT01-KA202-007433)





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### Dyslexia@work.EU - Definitive Comparative Analysis

The aim of this report was to assess the legislation or policies that are in place with regards to dyslexia and employment across all participating countries, namely Malta, Italy, Ireland, France and the United Kingdom (UK). After the conference that was held in Malta earlier on in the year, all participating entities were asked to answer a series of questions relating to this subject. Among other topics, these questions covered how the legislations in question are set up and what the national definitions of dyslexia are according to each country. They also opened a discussion on any access arrangements that are available for people with dyslexia when it comes to employment, education and getting a driver's license.

#### Analysis and Interpretation of the Results

This report is a compilation of all the information supplied by each country for each question. It is important to note that some questions were merged under one topic due to shared similarities.

#### National Definitions of Dyslexia

France reported that it refers to the definition of the International Classification of Diseases (ICD-10)<sup>1</sup> rather than a national definition wherein dyslexia is listed under the sub-heading 'specific reading disorder'. However, their law on disability opens up the possibility to consider dyslexia as a disability, finding itself among other cognitive difficulties.<sup>2</sup>

Contrastingly, Malta and Italy adopt a national definition of dyslexia while Ireland stated that although the country does not have a national definition that is used by society as a whole, the majority use the Dyslexia Association of Ireland's definition.

The UK generally uses the definition as laid down in the Rose Report (2009)<sup>3</sup>. The European Dyslexia Association (EDA) then presents a definition on its website.

These definitions are present in Appendix A.

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<sup>1</sup> World Health Organization. (1993). *The ICD-10 classification of mental and behavioural disorders: diagnostic criteria for research* (Vol. 2). World Health Organization.

<sup>2</sup> <https://www.handicap-info.fr/definition-du-handicap/>

<sup>3</sup> 'Identifying and Teaching Children and Young People with Dyslexia and Literacy Difficulties', An independent report from Sir Jim Rose to the Secretary of State for Children, Schools and Families, June 2009



## Legislation on Dyslexia and Work/Employment

The research established that Italy presents no legislation on dyslexia and employment, only ones regarding professional training (VET), since there are different realities in training and instruction areas when it comes to regional jurisdiction. Notably, dyslexia can be considered a disability by a special commission, if the person tries to obtain the recognition of disability, but this is usually very difficult to obtain.

Malta's and Ireland's legislations lack specific reference to dyslexia as a disability, however, dyslexia is considered as a disability in both countries. Thus, any laws that apply to 'persons with disability' also apply to people with dyslexia.

In the UK dyslexia is recognised as a disability through the Equality Act (2010)<sup>4</sup>. It should be noted that whilst the act does not explicitly mention dyslexia, or any other disability, government guidance and case law confirm that dyslexia is covered by the act.

In contrast, France reported that their legislation about disability includes dyslexia and companies of over 20 employees are bound to employ at least 6% of persons with disability<sup>5</sup>. There is also the law about Corporate Social Responsibility (CSR) which includes references to disability and non- discrimination.

## Legislation Process

In Ireland, the Oireachtas is the only institution with the power to make laws for the State. The Oireachtas consists of the President<sup>6</sup>, and the two Houses of the Oireachtas; Dáil Eireann<sup>7</sup> and Seanad Eireann<sup>8</sup>. However, numerous agencies are involved in legislation formation. Involvement depends on focus of the legislation. Representative groups can advocate/lobby for changes to legislation. Ireland also has a Citizens Assembly which can make recommendations for issues that need to be addressed in legislation.

When it comes to France, the general national legal framework is under state responsibility

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<sup>4</sup> <http://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>5</sup> <https://www.legifrance.gouv.fr/eli/decret/2017/8/9/2017-1265/jo/texte>

<sup>6</sup> [https://www.citizensinformation.ie/en/government\\_in\\_ireland/the\\_president/president\\_introduction\\_to\\_the\\_president\\_of\\_ireland.html](https://www.citizensinformation.ie/en/government_in_ireland/the_president/president_introduction_to_the_president_of_ireland.html)

<sup>7</sup> [https://www.citizensinformation.ie/en/government\\_in\\_ireland/national\\_government/houses\\_of\\_the\\_oireachtas/dail\\_eireann.html](https://www.citizensinformation.ie/en/government_in_ireland/national_government/houses_of_the_oireachtas/dail_eireann.html)

<sup>8</sup> [https://www.citizensinformation.ie/en/government\\_in\\_ireland/national\\_government/houses\\_of\\_the\\_oireachtas/the\\_seanad.html](https://www.citizensinformation.ie/en/government_in_ireland/national_government/houses_of_the_oireachtas/the_seanad.html)



although the individuals' decisions are taken under regional responsibilities.

In the UK, laws are drafted and proposed by the government, then debated, amended and decided upon by the House of Commons and, at a later stage, the House of Lords. Notably, the British Dyslexia Association is often consulted on legislation relevant to dyslexia.

No information is available in this regard from Malta, whilst Italy reported that dyslexia can be considered a disability by the Commission for the Rights of Persons with Disability (CRPD) but this rarely happens.

### **Separation of Legislations for Employment and Dyslexia**

Malta has separate laws for employment and education as there is an Education Act (1988-1991)<sup>9</sup>, an Employment and Industrial Relations Act and then Persons with Disability (Employment) Act (1969)<sup>10</sup>.

Yet, as previously stated, none refer to dyslexia directly. There is only mention of persons with disability. The main difference between the Maltese education and employment laws is that the education laws speak of the accommodations available to get a person through school but they do not include anything with regard to transitions from school into the working world as this is found in the employment laws.

Similarly, Ireland has different laws for education and for work that are relevant to dyslexia with the main differences being equality, prevention of discrimination on the grounds of disability and the right to reasonable accommodations. Their Education Act (1998)<sup>11</sup> promotes equality in a number of ways with schools having to use their resources to ensure that the educational needs of all students, including those with a disability or other special educational needs are identified and provided for. There is also the Education for Persons with Special Educational Needs Act (2004)<sup>12</sup> which seeks to establish the principle of inclusive education for children with special educational needs as a legal requirement but only parts of this Act have been commenced. Education is also mentioned in the Equal Status Acts (2000-2018)<sup>13</sup>, the provisions of which rest on a presumption of mainstreaming for students with disabilities, requiring schools to not discriminate across nine grounds; disability being one of them.

<sup>9</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8801>

<sup>10</sup> <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8718&l=1>

<sup>11</sup> <http://www.irishstatutebook.ie/eli/1998/act/51/enacted/en/html>

<sup>12</sup> <http://www.irishstatutebook.ie/eli/2004/act/30/enacted/en/html>

<sup>13</sup> <http://www.irishstatutebook.ie/eli/2000/act/8/enacted/en/html>



In the UK, employment and education are both covered by the Equality Act (2010). In England, the Children & Families Act (2014)<sup>14</sup> includes further legal rights for dyslexia and education. Similar laws exist in Scotland, Wales and Northern Ireland.

In contrast, Italy has separate laws for education and employment. The laws concerning employment is in charge of singular regions and only provide supportive measures for specific learning disorders in employment sporadically.

In France, laws concerning disability have an impact on different fields. Nonetheless, education and employment laws are both based on two principals – non-discrimination and reasonable accommodations. The application of these principals are different in the two fields; in the field of labour, the accommodations are possible only if a person is recognised as disabled (RQTH).

### **Statements on Dyslexia by Public and Private Sectors**

In Ireland, the Irish Public Appointments Service does make some reasonable accommodations for people with dyslexia or with disability. Candidates have to disclose their disability and request reasonable accommodations since there are different recruitment processes for different roles, meaning that, the type of reasonable accommodation varies<sup>15</sup>.

Similarly, in the UK, under the terms of the Equality Act (2010), employers are under a duty to make “reasonable adjustments” for persons with a disability. Dyslexia is recognised as a disability within the meaning of the legislation because such individuals are considered to be at a substantial disadvantage within the workplace when compared to those without this profile. It defines a disability as "a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities". Therefore, as dyslexia is a lifelong condition and has a significant impact on a person's day-to-day life, it meets the criteria of a disability and is covered by the Equality Act (2010); government guidance on the act and case law confirm this.

Likewise, the public sector in Malta states that there should be equality for opportunity since *"in determining the eligibility of and in assessing candidates, the Selection Board should avoid any form of discriminatory treatment as defined in the Employment and Industrial Relations Act (Cap. 452 of the*

<sup>14</sup> <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

<sup>15</sup> <http://nda.ie/Publications/Employment/Employment-Publications/Good-practice-in-employment-of-people-with-disabilities- in-the-public-sector1.pdf>



*Laws of Malta) and subsidiary legislation (Equal Treatment in Employment Regulations)*<sup>16</sup>. No information about the private sector was found.

France also has no specific information about the private sector, but, like Malta, the public sector makes it easier for disabled individuals to find work, so much so that it puts candidates with disability at an advantage by having more opportunities to access public jobs. They can have accommodations during the competitive examinations, they can access the public jobs through direct hiring – unlike other candidates – and they can enter public jobs with no age limitation.

In Italy, both public and private sectors do not state anything about dyslexia and disability. There is a specific law for disability (Law 68/1999)<sup>17</sup> which protects job placements of disabled people.

### **Numerical Statistics of Dyslexia in the Workforce**

Italy does not have any statistics in this regard, only rough estimates based on prevalence in the school age, that is, between 3% and 5%. The people who, because of health problems, are classified as disabled are about 3.100.000 (5.2% of the population)<sup>18</sup>; considering the population between 15 and 64 years of age, only 31.3% of those with severe limitations are employed (26.7% women, 36.3% men) against 57.8% of people without limitations. However, these numbers refer to the general category of disabled people in which dyslexic individuals are not included usually.

Similarly, France does not have or allow any access to medical information. However, it provided a national statistic about disabilities in the workplace and about illiteracy, including employment issues. The statistics explain that *“7% of the adult population aged 18 to 65 who have attended school in France is illiterate”* and *“more than half exercise a professional activity [showing how] the fight against illiteracy therefore affects very closely the world of work, of business.”*<sup>19</sup>

On the other hand, Ireland has statistics for the overall category of disability in the workforce but it does not individualise categories. The Irish 2016 Census reported that a total of 643,131 people had a disability in Ireland; equivalent to 13.5% of the population. Of this 13.5%, 3.3% had a self-disclosed difficulty with learning, remembering or concentrating (156,968 people). However, many people with

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<sup>16</sup> <https://publicservice.gov.mt/en/people/Documents/People-Resourcing-Compliance/Resourcing-Manuals/Manual-on-the-Selection-and-Appointment-Procedure-under-Delegated-Authority-Version-3-3-25.1.2018.pdf>

<sup>17</sup> <http://www.parlamento.it/parlam/leggi/99068l.htm>

<sup>18</sup> <https://www.istat.it/it/files//2019/12/Disabilit%C3%A0-1.pdf>

<sup>19</sup> <http://www.anlci.gouv.fr/lillettrisme/Les-chiffres/Niveau-national>



dyslexia would not tick this disability box as they do not necessarily view their dyslexia as a disability, as would be the Maltese perception. The Irish National Disability Authority's latest published report (2017) stated that public bodies reported 3.5% of staff employed in the public sector were people with disabilities. Notably, Ireland has a Willing Able Mentoring (WAM) Programme which offers graduates with disabilities the chance to undertake a minimum six-month, paid and mentored work placements with high-profile Irish employers. The percentage of graduates having a specific learning difficulty, including Dyslexia, in the cohort of graduates on the WAM Programme between 2005 and 2018 was 25%. The total number of graduates placed in that period was 357<sup>20</sup>.

Malta also has some, but rather patchy, statistics. The most recent National Statistics' Office Labour Force Survey in this regard dates back to 2003: "In Malta, according to the Labour Force Survey of June 2003 published by the National Statistics Office, the employment rate of persons who have long standing health problems or disability (aged 15 years and over) stood at a low 32.2%. The proportion of young disabled persons in employment was higher than for older persons. 44.1% of those persons who were 44 years old or younger were in employment while only 26.1% of persons aged 45 years and over were in employment. Similarly, when comparing male and female employment rates only 16.0% of disabled women were in employment while the rate for men stood at 44.2%."<sup>21</sup>

The UK is the only participant country that has recent statistics and, according to Ernst and Young and Made by Dyslexia<sup>22</sup>, the latest statistics indicate that there is one neurodiverse profile per seven people.

### **Accommodation for Dyslexia at Retention and Recruitment Level**

Almost all countries reported that there are no public or private employment agencies that accommodate dyslexia per se at retention and recruitment level.

French agencies are not allowed to have the person's medical information. Some agencies in Ireland do give the option to attach a note disclosing medical conditions to then view relevant jobs to ensure that one can perform well in all aspects, regardless of dyslexia. Irish public jobs then provide reasonable accommodations and supports with regard to support exams and psychometric testing etc., but none relating to dyslexia itself, especially when it comes to interviews.

<sup>20</sup> <https://ahead.ie/journal/The-WAM-Programme-Key-Facts-Figures-from-AHEAD>

<sup>21</sup> <https://jobsplus.gov.mt/-/publication-statistics-mt-mt-en-gb/publications/fileprovider.aspx?fileId=1255>

<sup>22</sup> <http://madebydyslexia.org/>





In Italy, neither the private nor the public sectors speak of accommodation at this level while laws only refer to the employment of disabled people, disadvantaged subjects and disadvantaged workers.

The only indication for accommodation at this level in the UK is that employment agencies have a tick box on application forms specifically for dyslexic individuals to tick as well as a disability box, as not all people are aware that dyslexia is a disability. This measure can be found under the Equality Act (2010), which agencies have to abide by.

Malta has no information on the topic.

### **Legal Access Arrangements Required from Public and Private Employers**

Italy has no access arrangements pertaining to dyslexia specifically but there is a law that concerns arrangements for disabled individuals. In Malta there is no direct reference to any access arrangements anywhere but there are laws that ensure there is no discrimination from the employer's side at the work place in the Equal Opportunities (Persons with Disability) Act (2000)<sup>23</sup> and the Equal Treatment in Employment Regulations (2004).<sup>24</sup>

Ireland works similarly to Malta and Italy but it has a number of legislations that list access arrangements under reasonable accommodations, but the term is used loosely. This includes the Disability Act (2005)<sup>25</sup> that requires public bodies to take positive actions and ensure that at least 3% of their staff are people with disabilities.

Ireland's Employment Equality Acts (1998-2001)<sup>26</sup> also call for positive action in ensuring everyone gets full equality and in attracting people with disabilities into their workforce. They also assist employers to make reasonable accommodations for people with disabilities which enable them to have equal opportunities when applying for work, be treated the same as co-workers, have equal opportunities for promotion and undertake training.

Likewise, in the UK, an employer has to make reasonable adjustments to ensure that a disabled person is not disadvantaged; for example, providing assistive technology.

In France, the French Labour Ministry is the entity that tackles the rules about accommodation

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<sup>23</sup> <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879&l=1>

<sup>24</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11229>

<sup>25</sup> <http://www.irishstatutebook.ie/eli/2005/act/14/enacted/en/html>

<sup>26</sup> <http://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/html>



at the work place.<sup>27</sup> Being recognised as a disabled worker allows one to benefit from an orientation with regards to a work assistance establishment/ service, the job market or a vocational rehabilitation centre. Additionally, since 2018, the regulations allow the funding of "specific support services" for Specific Learning Difficulties (SpLD) to support job seekers. Recognition of the Quality of Disabled Worker (Reconnaissance de la Qualité de Travailleur Handicapé [RQTH]) also gives priority access to various measures to aid employment and training, as well as adjustments to existing systems (apprenticeship contract, single contract insertion, etc.). In the event of dismissal, the duration of the legal notice is doubled for workers recognised as disabled.

### **Formal Assessment by Employers or Organisations to provide Necessary Access Arrangements**

Currently, Italian employers and organisations cannot request for formal assessment of dyslexia in order to provide the necessary access arrangements, unless it is done in an autonomous way in companies sensitized by specific projects. This is the same for France as employers only need the recognition of the disability established by the Maison Départementale des Personnes Handicapées (MDPH).

On the other hand, this aid can be requested in both Ireland and the UK, but it would need to be considered as a reasonable adjustment. Therefore, if the person does not have any documentation, the employer would be expected to fund it as a reasonable adjustment.

Malta has no specific information in this regard.

### **Legal Arrangements to Facilitate Access to National Qualifications Assessment/ Testing/ Licensing**

Both Malta and Ireland reported that there are specific access arrangements for persons with disability or learning difficulties when it comes to national qualifications.

Irish colleges have reasonable accommodations available after disclosure and evidence of dyslexia is provided. This includes extra time in the exam, access to a reader and in some circumstance access to a scribe. In some centres learning support is available in maths and technical drawing, however, it is not guaranteed since disclosing one's learning difficulty does not automatically place them at a centre that provides resources. One is offered a place as they arise and based on where they are on the list; this could be a place miles away from home. Support given at degree level

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<sup>27</sup> <https://travail-emploi.gouv.fr/emploi/emploi-et-handicap/rqth>



is funded by the Fund for Students with Disabilities. Notably, electrical, mechanic, engineering, information technology, and health and social care qualifications have no policies regarding learning difficulties like dyslexia.

On the other hand, the legal, hospitality, doctoral and education sector provide reasonable accommodations in the applicant's respective school or college upon disclosing their learning difficulty. It should also be mentioned that a new Masters programme – MEd SpLD/Dyslexia<sup>28</sup> – has been set up within the field of education which focuses on teachers and learners, and reflects the long overdue shift in thinking from a medical model of specific learning difficulties/dyslexia to a social-dimensional model. It aims to empower teachers to conduct professional assessments of learners who have literacy related difficulties and provide specialist teaching for students who have dyslexia. The programme has been accredited by the British Dyslexia Association and graduates are eligible for Associate Membership of the BDA (AMBDA).

With AMBDA status, the dyslexia specialist teacher is internationally recognised to undertake dyslexia assessment and specialist teaching. The Med SpLD/Dyslexia also reflects the competences, knowledge and professional skills identified by the International Dyslexia Association and the International Literacy Associations.

In Malta, the University of Malta (UM) *“through the MATSEC Board and the ACCESS-Disability Support Committee (ADSC), [provides] examination access arrangements (EAAs) for candidates with different impairments/medical conditions/specific learning difficulties that enable them to sit for their MATSEC examinations (Secondary Education Certificate [SEC], including vocational subjects [VET] and Secondary Education Applied Certificate [SEAC], and Matriculation Examinations) on an equal basis with others.”*

The guidelines state that *“a word-processor is an EAA for candidates who have a severe visual impairment and those with dyspraxia and/or dyslexia [...] The ADSC will consider each application for a word processor in relation to the assessment objectives of the subjects for which the candidate has registered.”* However, this usually only applies for examinations that involve writing. When it comes to other numerical or technical subjects, like mathematics and chemistry, *“the ADSC may need to seek independent advice concerning the operations of word processors or processor-controlled devices used by*

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<sup>28</sup> [https://www.dcu.ie/courses/Postgraduate/institute\\_of\\_education/MEd-Specific-Learning-Difficulties-Dyslexia.shtml](https://www.dcu.ie/courses/Postgraduate/institute_of_education/MEd-Specific-Learning-Difficulties-Dyslexia.shtml)



*the candidates in order to help them determine what examination arrangements should be made.”<sup>29</sup>*

The UK provides support through the government scheme Access To Work<sup>30</sup>. This includes practical components of internships, traineeships, apprenticeships and vocational training, as these are considered employment in the UK. With regard to examinations, reasonable adjustments must be given by Examination Boards. These would be similar to reasonable school and university adjustments.

France provides accommodations for exams according to the procedure reserved for students with disabilities. However, the possible accommodations remain very general and certain examinations require significant reading skills, even if human or material assistance (reading software) can be used. One needs to have developed good compensatory strategies.

On the other hand, in Italy there is no mention about dyslexia or other specific disorders at either regional or national level. However, Law 170/2010 must also be taken into account, even in exams for obtaining the Vocational Education and Training (IEFP) professional qualification from a training institution. *“Law 170/2010 recognises dyslexia, dysgraphia, dysorthographia and dyscalculia as specific learning disorders (SLD)”. Subsequent guidelines (2011) specify educational and didactic measures to support the teaching and learning processes. Schools are also responsible for early detection.”<sup>31</sup>*

### **Law/ Policy for Life-long Learning**

There is no separate law on this in both Ireland and the UK as life-long learning is covered by the Equality Act (2010).

However, the Irish state organisation SOLAS<sup>32</sup> funds and coordinates further education and training, produces a regular Further Education and Training Strategy. Additionally, AONTAS<sup>33</sup>, Ireland's national adult learning organisation, promotes the value and benefits of adult learning, and advocates on behalf of the sector. Their vision is for all adults to achieve their educational

<sup>29</sup> [https://www.um.edu.mt/\\_data/assets/pdf\\_file/0004/418900/GlossaryforExaminationAccessArrangements-Table2.pdf](https://www.um.edu.mt/_data/assets/pdf_file/0004/418900/GlossaryforExaminationAccessArrangements-Table2.pdf)

<sup>30</sup> <https://www.gov.uk/access-to-work>

<sup>31</sup> <https://www.european-agency.org/country-information/italy/legislation-and-policy>

<sup>32</sup> <https://www.solas.ie/>

<sup>33</sup> <https://www.aontas.com/>



aspirations through an equitable lifelong learning system.

On the other hand, Malta has a National Lifelong Learning Strategy (2020)<sup>34</sup> which *“meets Malta’s obligations within the EU Lisbon process; addresses the challenges faced in embedding Lifelong Learning within our society and identifies the areas of national priority in the years to come.”* Within this strategy there is also mention of adjustments that can be made for persons with disability but there is no direct reference to dyslexia or other learning difficulties.

France adopts a different approach as there are two options to getting a diploma; initial education and vocational training. Initial education is managed by the law of education while the vocational training system is regulated by the law concerning employment. Moreover, with regards to employment, France has laws concerning internships, apprenticeships, merit assessment/recognition of prior learning, vocation training and life-long learning; each having accommodations that are always subjected to disability recognition.

When it comes to the resumption of schooling in adulthood in order to obtain a diploma, in Italy the same didactic supporting measures of Law 170/2010 are applied.

### **Dyslexia and Driving License Laws**

All countries in question seem to have the option for dyslexic individuals to apply for access arrangements during the theory test, with Italy allowing dyslexic people to use audio files for the text of questions during examination. Notably, the test takes the form of multiple choice questions across all countries.

In Malta there is no mention of dyslexia in the driving license legislation but dyslexic individuals can apply for reading assistance when it comes to the theory examination which is free of charge. *“The assistance provided will be restricted to the reading of the questions and possible answers in either Maltese or English. The final decision on the correct answer is to be taken by the candidate.”*<sup>35</sup>

When it comes to Ireland, one needs to provide a letter of evidence from a professional who can verify literacy difficulties and need for assistance during the theory test. The arrangements available include extra time and, in certain cases, a specialist reader can be provided who is enrolled with reading the test items out verbatim. Furthermore, if an item of vocabulary is unknown, a direct synonym may be

<sup>34</sup> <https://education.gov.mt/en/Documents/Malta%20National%20Lifelong%20Learning%20Strategy%202020.pdf>

<sup>35</sup> <https://www.transport.gov.mt/land/licence/obtaining-your-driving-licence-786>



provided to enable the Candidate to understand the question. Knowledge of some technical terms is deemed necessary, so an alternative word cannot be provided in all cases. In contrast to other countries, a dyslexic person can disclose at the start of their driving test, and ask that the instructor be mindful of this when giving directions, asking questions etc. They can also ask the instructor to use hand signals along with verbal instructions, however, it is not a given that this will happen.

The law in the UK regarding driving licences does not discriminate either. Persons with dyslexia are allowed access arrangements in the theory test. For example they can ask for more time, the text can be read, and an oral language modifier can be provided if they need the language to be simplified.

No specification were outlined by France, it only stated that there is an agreement that allows interested parties to benefit from specific arrangements during the theory test<sup>36</sup>.

### **Legal Cases or Complaints in relation to Dyslexia and Employment**

These are no legal courts cases reported in Malta and France regarding dyslexia and employment. However, there has been a court decision concerning accommodation at school and/or exams in France. The French Ombudsman notes that disability is the first reason for discrimination and that employment is the main place of such discrimination.

Contrastingly, in Italy, there have been many cases in schools and only single cases in employment with particular features of comorbidity and severity.

There has also been a particular case in Ireland where an actor, Aisling O' Mara, disclosed her dyslexia and got the lead part in a play with Zak Group, but the company failed to make any enquiries or discuss with her what measures she needed to accommodate for her profile of needs. She was dismissed from the play after six days of rehearsals, when her agent asked why, they received a letter from the production company's solicitor which stated that her 'dyslexia was hampering her progress', however the company denied it was her dyslexia, instead stating: '...that O'Mara's failure to keep up to speed was hampering her progress in developing her character and the overall portrayal of the character'. The Workplace Relations Commission (WRC) ruled that Zak Group discriminated against Aisling O'Mara on the grounds of disability under the Employment Equality Act when dismissing her from a production

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<sup>36</sup> <https://www.securite-routiere.gouv.fr/actualites/epreuve-theorique-du-permis-de-conduire-des-amenagements-specifiques-pour-les-personnes>



six days after rehearsals commenced in September 2018.<sup>37</sup>

In the UK there is a documented case about a female dyslexic employee who worked at Starbucks, Meseret Kumulchew. A tribunal found that she had been discriminated against after making mistakes due to her difficulties with reading, writing and telling the time. She was accused of falsifying the documents after mistakenly entering wrong information, Starbucks was found in breach of the Equality Act and the employee was awarded £45,000.<sup>38</sup>

### **National Commissions and Boards to Voice Dyslexia Concerns**

Italy has no commissions or boards that focus solely on dyslexia within the Ministry of Labour, however, dyslexia is represented by the Italian Dyslexia Association (Associazione Italiana Dislessia [AID]).

The British Equality and Human Rights Commission is the entity through which persons with disability,

including persons with dyslexia, can voice their concerns. This can also be carried out by the British Dyslexia Association.

In Malta, the entities that tackle the topic of dyslexia include the Malta Dyslexia Association (MDA) as well as the Parliamentary Secretariat for Active Aging and Persons with Disability under the Ministry for the Family, Children's Rights and Social Solidarity.

Ireland has the Dyslexia Association of Ireland, Association for Higher Education Access and Disability (AHEAD), the Disability Federation of Ireland, National Disability Authority, the National Council for Special Education and there was a Task Force on Dyslexia (which ended in 2001) made up of different agencies and voices (see page IX of noted document).<sup>39</sup>

At a national level, France has the Conseil National Consultatif des Personnes Handicapées (National Advisory Council of Persons with Disabilities) which is the body where organisations with disabilities can voice the concerns of the dyslexic individuals in the MDPH. Additionally, persons with dyslexia, their families, and associations can refer to the ombudsman in case of discrimination and/or non-compliance to the law. At local level, the commission of the MDPH include a representative of

<sup>37</sup> <https://www.workplacereactions.ie/en/cases/2019/november/adj-00019367.html>

<sup>38</sup> <https://www.bbc.com/news/uk-35521061>

<sup>39</sup> [https://www.sess.ie/sites/default/files/Dyslexia\\_Task\\_Force\\_Report\\_0.pdf](https://www.sess.ie/sites/default/files/Dyslexia_Task_Force_Report_0.pdf)



person with disability.

## Conclusion

Overall, there seems to be a lack of legislations that hone in on dyslexia in relation to employment across all the participating countries. However, legislations that apply for persons with disability generally include persons with dyslexia as it is recognised as such on a national level. Malta and Italy have their own national definitions of dyslexia while in Ireland, the majority follows either the Dyslexia Association of Ireland definition and/or the definition from the Irish Task Force on Dyslexia, and the UK mainly uses that from the Rose Report (2009). Only France uses an international definition. One could also consider the fact that Malta, Ireland and the UK have different laws for education and employment while Italy only has separate laws with regards to training and instruction laws and in France both legislations are based on the same principles.

Additionally, there is no direct indication of the number of dyslexic people within the work force of each respective country, only some statistics on persons with disability at the workplace. Only, the UK seems to have a reliable statistic.

In Malta, Italy, Ireland and the UK the law does not specify any access arrangements that employers should implement for people with dyslexia, only ones concerning persons with disability which are based on reducing discrimination at the workplace. On the other hand, French legislations make reference to access arrangements for persons with learning disorders with the aim of providing equal opportunities.

When it comes to legal arrangements to facilitate access to national qualifications assessment, testing or licensing, Malta, Ireland and the UK have specified measures for persons with learning difficulties like dyslexia. Italy and France do not have such specifications but there are arrangements for persons with disability. However, all countries seem to have some form of arrangements which persons with reading difficulties can apply for when it comes to the driving license theory test.





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## Appendix A

### EDA Definition

“Dyslexia is used as a term for a disorder that is mainly characterized by severe difficulties in acquiring reading, spelling and writing skills. Based on the experience of more than ten years’ intensive research of three different disorders - reading, spelling disorder, combined reading and spelling - were differentiated. Many used dyslexia as a synonym for the combined disorder. The prevalence rate of each disorders is about 3-4%. [...] There is no relationship between...level of intelligence, individual effort, or socio-economic position, and presence of dyslexia. The cognitive difficulties that cause dyslexia and different learning disorders can also affect other aspects of verbal learning including arithmetic. Difficulties in organizational skills and motor coordination are frequently observed but these are not core to the condition.”

### Malta’s Definition

Dyslexia comes from Greek (Dys = impaired + Lexia = word - ‘difficulty with words’), the term commonly used to refer to a condition that affects reading, spelling, writing, memory, concentration, personal organisation and self-esteem.[It] affects approximately 10 % of the population, 4% are severely affected, with a further 6% moderately. Dyslexia is a processing difference experienced by people of all ages. It is best described as a combination of abilities and difficulties which affect the learning process. It can affect other cognitive areas such as speed of processing, short-term memory, sequencing, auditory and/or visual perception, spoken language and motor skills. Some children have outstanding creative skills, other have strong oral skills, yet others have no outstanding talents; they all have strengths.

Manifestations: Processing style; Problem solving skills; Discrepancies in performances; Motor skills weaknesses; Difficulties in phonological processing

Source: <https://curriculum.gov.mt/en/spldmalta/Pages/Understanding-Dyslexia.aspx>

### Italy’s Definition

“It is a specific disorder that manifests itself with a difficulty in learning to read, particularly in the decoding of the linguistic signs and in correctness and speed of reading”. There is also a definition of specific learning disorders: "which manifest themselves in the presence of adequate cognitive abilities, in the absence of pathologies, neurological and sensory deficits, but may constitute an important limitation for some activities of daily life", followed by a further definition for individual disorders (dyslexia,



dysgraphia, dysorthography, dyscalculia).

Source: Italian National Law on Specific Learning Disabilities, n. 170/2010.

### **France's Definition**

“The main feature of this disorder is a specific and significant impairment in the development of reading skills, which is not solely accounted for by mental age, visual acuity problems, or inadequate schooling. Reading comprehension skill, reading word recognition, oral reading skill, and performance of tasks requiring reading may all be affected. Spelling difficulties are frequently associated with specific reading disorder and often remain into adolescence even after some progress in reading has been made. [...] Difficulties in attention, often associated with hyperactivity and impulsivity, are also common. [...] Associated emotional and/or behavioural disturbances are also common during the school-age period. Emotional problems are more common during the early school years, but conduct disorders and hyperactivity syndromes are most likely to be present in later childhood and adolescence. Low self-esteem is common and problems in school adjustment and in peer relationships are also frequent.”

### **Ireland's Definition**

“Dyslexia is a specific learning difficulty affecting the acquisition of fluent and accurate reading and spelling skills. This occurs despite access to appropriate learning opportunities. Dyslexia is characterised by cognitive difficulties in (1) phonological processing, (2) working memory, and (3) speed of retrieval of information from long term memory. Dyslexic difficulties occur on a continuum from mild to severe and affect approximately 10% of the population. People with dyslexia may experience greater stress and frustration as they endeavour to learn, resulting in heightened anxiety, particularly in relation to literacy acquisition. People with dyslexia may also have accompanying learning strengths.” (Dyslexia Association of Ireland)

The Report of the Irish Task Force on Dyslexia (2001) suggests the following definition:

Dyslexia is manifested in a continuum of specific learning difficulties related to the acquisition of basic skills in reading, spelling and/or writing, such difficulties being unexplained in relation to an individual's other abilities and educational experiences. Dyslexia can be described at the neurological, cognitive and behavioural levels. It is typically characterised by inefficient information processing, including difficulties in phonological processing, working memory, rapid naming and automaticity of basic skills. Difficulties in organisation, sequencing and motor skills may also be present. (p.31) <https://dyslexia.ie/info-hub/about->



[dyslexia/](#)

### **UK's Definition**

“Dyslexia is a learning difficulty that primarily affects the skills involved in accurate and fluent word reading and spelling. Characteristic features of dyslexia are difficulties in phonological awareness, verbal memory and verbal processing speed. Dyslexia occurs across the range of intellectual abilities. It is best thought of as a continuum, not a distinct category, and there are no clear cut-off points. Co-occurring difficulties may be seen in aspects of language, motor co-ordination, mental calculation, concentration and personal organisation, but these are not, by themselves, markers of dyslexia. A good indication of the severity and persistence of dyslexic difficulties can be gained by examining how the individual responds or has responded to well-founded intervention.”