

# Briefing

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## Employment adjustments for people with musculoskeletal conditions

## **Employment adjustments for people with musculoskeletal conditions**

**This briefing is not an authoritative statement of the law. While we have made every effort to ensure that the information we have provided is correct, Business Disability Forum cannot accept any responsibility or liability.**

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# Introduction

## What are musculoskeletal conditions?

Musculoskeletal conditions affect the joints or tissues in the back (upper and lumbar region), upper limbs (neck, shoulders, arms, elbows, wrists, hands and fingers) or lower limbs (hip, knees and legs, ankles and feet) resulting from injuries or health conditions. Symptoms include muscle fatigue, pain, cramp, swelling, numbness, difficulty in movement and general discomfort. These can persist or become worse after working, not just when performing specific tasks.

Many musculoskeletal conditions are not directly work-related but the results of wider lifestyle or medical conditions such as rheumatoid arthritis. It is also possible for people to acquire musculoskeletal conditions as a result of the work they are doing. Regardless of cause, if they impact on an individual's work or ability to work, employers have a duty to make adjustments.

Many musculoskeletal cases will resolve without medical attention whilst others will require a GP's support; in some cases, referral to an expert will be necessary. There are a variety of conditions and in some cases pain is referred from the site of the initial problem to another part of the body. Different conditions require different types of treatment, adjustments and management approaches.

## Employment adjustments for people with musculoskeletal conditions

The primary causes of these conditions are:

- Repetitive actions.
- Forceful exertion.
- Cumulative damage.
- Poor posture (including awkward movements).
- Vibration.
- Long periods of doing the same task.
- Cold working conditions.

Many other factors can combine to cause or exacerbate existing musculoskeletal conditions, including job design, equipment, the work environment, the intensity of work activities and stress.

People will be affected in different ways. The onset of an injury can be gradual, often with minor symptoms in the early stages but these conditions are generally progressive and cumulative.

Injuries can also develop rapidly, especially where workload, pacing of work or other demands are suddenly increased or intensified. Any symptom should be regarded as significant as long-term conditions can result if a symptom is ignored.

Musculoskeletal conditions are not always recognised or correctly diagnosed, with much disagreement and confusion around terminology. Generally, specific, localised conditions, for example 'tennis elbow', are easier to diagnose and better understood medically than the less localised or 'diffuse' conditions.

## Employment adjustments for people with musculoskeletal conditions

Examples of medical conditions include (non-exhaustive list) [1],[2]:

- Back pain.
- Osteoporosis.
- Tenosynovitis.
- Axial spondyloarthritis, including ankylosing spondylitis.
- Lateral epicondylitis ('tennis elbow').
- Gout.
- Arthritis (rheumatoid, juvenile, osteoarthritis etc.).
- Myalgia.
- Frozen shoulder.
- Vibration-induced white finger.
- Sciatica.
- Degenerative disc disease.
- Ruptured or herniated disc.

There is no clear diagnosis for 'diffuse' musculoskeletal pain.

There can be an association between the tasks a person does and the symptoms they experience.

Musculoskeletal conditions can affect people's personal lives and their ability to travel to and from work, including traveling by public transport. Normal everyday tasks at home and at work, as well as sleep patterns, can also be affected.

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[1] Arthritis Research UK, State of Musculoskeletal Health 2018 report

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[2] DWP, Industrial Injuries Disablement Benefits: technical guidance

# Employment and people with musculoskeletal conditions

Many people who have musculoskeletal conditions will be protected under the Equality Act 2010 but may not consider themselves to be disabled.

Nevertheless, employers have a legal obligation to make reasonable adjustments and not discriminate against employees who might be facing barriers at work because of a disability, even if it has not been diagnosed as a disability or accepted as such by the individual.

Employers should be aware that non-visible disabilities such as musculoskeletal conditions mean that barriers to work can be less obvious. This means it may be harder for employers to realise there is a need to take action. There are also organisations which offer specialist advice and disability awareness training to help employers ensure that their recruitment process accounts for barriers faced by those with musculoskeletal conditions – see page 21 for further details.

It is important that employers have an honest conversation with new and existing employees about the barriers that may be present in the workplace and what simple measures might help. The best practice approach is to make adjustments for anyone who needs them in order to work effectively and contribute fully to your organisation.

## **Employment adjustments for people with musculoskeletal conditions**

Most employers will want to know what is 'reasonable'. Doing what seems fair for the individual and others who work for you given the size and resources of your organisation is a good place to start.

This guidance will help you deliver best practice. Remember:

- You might need to treat people differently in order to treat them fairly.
- Don't make assumptions about what people can and can't do.
- Ensure that everyone knows who is responsible for doing what and when it must be done.
- Involve the individual in generating solutions and respect their right to confidentiality.

For more detail on the law and making reasonable adjustments contact Business Disability Forum's Advice Service on telephone number **+44-(0)-20-7403-3020** or by email **advice@businessdisabilityforum.org.uk** or see our briefing on The Equality Act 2010.



## Reducing the prevalence of musculoskeletal conditions

Changes in work, working conditions and technology mean that the occurrence of musculoskeletal conditions is increasing in certain areas. Examples of industries with highest rates of work-related musculoskeletal conditions are:

- Agriculture.
- Forestry and fishing.
- Construction.
- Public administration and defence.
- Transportation and storage.
- Human health and social work.

Musculoskeletal conditions can be a huge drain on your company's productivity: 24% of all working days lost due to work related ill-health are the result of work-related musculoskeletal conditions[3].

Symptoms of musculoskeletal conditions can be associated with specific movements including those with repetitive finger, hand or arm movements or movement involving twisting, squeezing, hammering, pounding, pushing, pulling, lifting or reaching. Static, fixed postures can also be a risk factor[4].

It is vital to take a positive and proactive approach to managing musculoskeletal conditions in the workplace, to minimise related absences and retain good members of staff. Address issues systematically and introduce changes and adjustments as part of a systematic review of work methods across the organisation.

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[3]: Work related musculoskeletal disorders statistics (WRMSDs) in Great Britain, 2018, Health and Safety Executive [accessed December 2018]

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[4] Musculoskeletal disorders - EU -OSHA

## **Employment adjustments for people with musculoskeletal conditions**

Ask your staff what they find difficult, what problems they have and review the days that have been lost due to musculoskeletal conditions in your organisation. This will identify the extent of the problem and provide a starting point. This can be carried out through human resources or occupational health.

Job tasks, equipment, work environment and the duration and intensity of work activities will then need to be reassessed to minimise the incidence of musculoskeletal conditions being caused by work. This can be done in consultation with specialist assessors, such as ergonomists and occupational health practitioners but can also be completed by safety managers. The results of such assessments should be used to identify relevant adjustments.

Employers should explain to employees that they want to help people recover and encourage early reporting of musculoskeletal conditions symptoms. You may already have employees who are protected by the disability provisions of the Equality Act 2010 because of musculoskeletal conditions. You may also have employees experiencing some discomfort, which if not addressed could lead to future problems. Poor work practices and stress can lead to employees who have never had musculoskeletal conditions developing conditions.

By regularly talking to employees about their work, for example in appraisals, you may be able to identify difficulties that could be attributable to an employee having musculoskeletal conditions. This will then give you an opportunity to talk about adjustments that may enable the employee to work more effectively.

# Reasonable adjustments and best practice

In the UK, 469,000 workers have work-related musculoskeletal disorders[5]. These injuries can affect people in many different sectors and jobs, both office-based and manual.

Decisions about suitability for employment, promotion or retention are too often based on general assumptions or misconceptions, rather than a factual assessment. This can lead to discrimination against existing or potential employees. Consider the skills, abilities and aspirations of each individual and implement appropriate and reasonable support so that everyone can maximise their potential; this can have a positive effect on an organisation as it unlocks different ways of tackling problems and making decisions.

Adjustments may well be simple and inexpensive and make good business sense. Without adjustments, good candidates may not apply for jobs and good employees could be lost. Precise requirements vary from one individual to another. Always ask the person what they need.

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[5] Work related musculoskeletal disorders statistics (WRMSDs) in Great Britain, 2018, Health and Safety Executive, [accessed December 2018]

## Recruitment and selection

Candidates with musculoskeletal conditions may be prevented from demonstrating their abilities and potential by conventional recruitment processes.

You need to make sure you do not discriminate against a disabled job applicant during the recruitment process. You may also have to make adjustments. It is important not to make assumptions about what the applicant can or cannot do; instead, ask applicants about reasonable adjustments they may require during the recruitment process. If you use external recruitment agencies, ask for evidence that they make reasonable adjustments for disabled applicants and work to the standards that underpin this guidance..

Further information on best practice for recruitment and selection is also available from the Government's Disability Confident scheme; for further information, visit: [disabilityconfident.campaign.gov.uk](https://disabilityconfident.campaign.gov.uk) or contact **Business Disability Forum's Advice Service** on telephone number +44-(0)20-7403-3020 or by email [advice@businessdisabilityforum.org.uk](mailto:advice@businessdisabilityforum.org.uk).

**Remember it is unlawful to ask questions about health or a disability prior to job offer under the Equality Act 2010 unless the question relates directly to an intrinsic aspect of the role for which the person is applying, or is for the purpose of making reasonable adjustments to the application or interview process. Questions about disability can still be asked on equal opportunities monitoring forms, provided they are not part of the selection process.**

### Job descriptions

When drawing up job descriptions and candidate specifications:

- Be specific about what skills are needed and what the job involves.
- Be flexible. Very often minor changes can make a significant difference, e.g. reallocating an inessential task that an employee with musculoskeletal conditions finds difficult to someone else in the team.
- Do not needlessly exclude someone with musculoskeletal conditions. Concentrate on what is to be achieved in a job rather than on how it is achieved, e.g. stating that an applicant must touch type may exclude a capable candidate with musculoskeletal conditions who could demonstrate their ability using dictation software. Instead, you might state, "you will need to produce accurate reports using a word processing package at regular intervals and at short notice".

### Advertising and attracting applicants

When advertising a job:

- Use positive wording like "we welcome disabled applicants" or, for Members of BDF: "We are a Member of Business Disability Forum and committed to becoming a disability-smart employer".
- Provide a point of contact for people who are concerned about the recruitment process, using a range of contact methods, e.g. email and telephone.
- Display or mention the Disability Confident symbol if you have signed up to the scheme.
- Be clear that you are willing to make reasonable adjustments.
- Consult your local Jobcentre Plus which can help you make your recruitment process accessible. You can also contact Business Disability Forum for help with this.

### Application forms

Adjustments may need to be made to the shortlisting process because an applicant may:

- Apply for a job for which they are over qualified because they need to regain confidence.
- Have gaps in their CV due to their disability.
- Have gained experience outside of paid employment, e.g. work experience and voluntary work.

### Interviews, tests and assessment centres

Ensure that candidates who have musculoskeletal conditions are able to demonstrate their ability to do the job and to show what they can contribute to your organisation. Focus on the person's abilities not on the person's injuries. Remember that an applicant may previously have had musculoskeletal conditions and told you about this, but have no difficulties now.

If you have any doubts about a person's ability to do an intrinsic function of the job simply ask how they would do it.

When you invite applicants for an interview make sure you ask them if they require any adjustments to be made for the interview. With adjustments, the interview allows you to more accurately assess the ability of applicants with musculoskeletal conditions. Build in regular breaks to avoid the applicant spending a long time in a static posture.

## **Employment adjustments for people with musculoskeletal conditions**

If selection normally involves a test, be sure that it does not discriminate against someone who has musculoskeletal conditions:

- Make sure adjustments that are already used by the candidate or that can be used in the job, e.g. voice recognition software, are available for the test.
- Discuss the test with the test publisher and seek guidance on possible adjustments.
- Consult the candidate in advance so that necessary adjustments can be made.
- Consider allowing extra time if required.
- Be prepared to waive the test. There are often other equally satisfactory ways of getting the information.

## Post job-offer

Once someone has been offered a job you may need to put in adjustments to ensure they can perform to their highest capability.

Start getting the adjustments in place as soon as practicable after you have made an appointment – it may take time to set up reasonable adjustments and, in some instances, to secure Access to Work funding. Consult the individual and make sure the employee's manager or supervisor understands the agreed adjustments. Disability awareness training can be useful for the candidate's team but only if the individual is comfortable with this.

Building in regular reviews of adjustments, for example at the end of the probationary period, in supervision sessions and appraisals will help ensure that the adjustments are still effective.

Ensure that you take the same approach to adjustments when a person applies for promotion, again not making assumptions about what the employee can or cannot do.

Completing a 'tailored adjustment plan' with new employees who have a disability or with an employee who develops a disability is a good way of recording and reviewing adjustments that have been agreed and actions that will be taken if the employee is off sick.

To see an example of a tailored adjustment plan and to download a template, visit Business Disability Forum's website at **[businessdisabilityforum.org.uk](https://businessdisabilityforum.org.uk)** or contact Business Disability Forum's Advice Service on telephone number **+44-(0)-20-7403-3020** or by email **[advice@businessdisabilityforum.org.uk](mailto:advice@businessdisabilityforum.org.uk)**.



### Working arrangements to retain employees

It is very important to involve the person concerned when considering or making any workplace adjustment. If required, adjustments may include:

- Allowing time off to attend medical appointments, rehabilitation or assessments, see our 'Managing sickness absence' briefing.
- Reallocation of inessential duties to other team members.
- Relocation to alternative position / employment / premises.
- Flexibility wherever possible around working hours and workloads.
- Allowing the person to have more frequent breaks from working on a computer.

# Induction, training and development

Disability and the need to make adjustments should be embedded in all policies such as those on sickness, training, and appraisals.

New recruits should be made aware of these policies during the induction procedure.

It is important that your standard induction and training programme is accessible, so an employee with a disability or long-term condition can access the same information as everyone else. You may also want to provide a workplace mentor to ensure supportive training. This can provide another employee with valuable personal development experience.

Ensure that employees with a disability or long term condition have equal access to further in-house and external training, meetings and career development opportunities.

# Harassment

A person who has a disability may be vulnerable to harassment from their colleagues because of their disability.

As an employer, you must take all reasonable steps to deal with harassment. Harassment includes not only physical or verbal abuse but also anything which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can stem from stereotyping, lack of understanding, intolerance of difference, fear or a desire to exert power, control or humiliate. To prevent bullying and harassment of anyone you should:

- Ensure your organisation has clear policies on workplace bullying and harassment and that complaints are investigated promptly and effectively. Ensure these policies are communicated across the organisation through campaigns and awareness raising initiatives.
- Make it clear that any harassment, including on grounds of disability, will not be tolerated and that offenders will be dealt with through your disciplinary procedures.
- Ensure management understands that people who have a disability or long term condition experience increased risk of harassment, and provide training for line managers to help them to identify and manage incidents connected to bullying and harassment in the workplace.

## **Employment adjustments for people with musculoskeletal conditions**

- **Make the employee aware of their right to equal treatment, their entitlement to make a complaint and to initiate a grievance.**
- **Allow employees access to support networks internally or externally from work. If possible, ensure employees who have experienced bullying or harassment have access to professional and confidential counselling**
- **Ensure disability awareness training is implemented across your workforce to challenge stereotyping.**

# Further sources of reference

## Useful organisations

### **Business Disability Forum**

Nutmeg House, 60 Gainsford Street,  
London SE1 2NY

Tel: **+44-(0)20-7403-3020**

Website: **[businessdisabilityforum.org.uk](https://businessdisabilityforum.org.uk)**

Business Disability Forum (BDF) is a not-for-profit membership organisation that supports businesses to recruit and retain disabled employees and serve disabled customers.

Business Disability Forum provides pragmatic support, expertise, advice, training and networking opportunities between businesses. Our aim is to transform the life chances – and experience – of disabled people as employees and consumers.

## **Health and Safety Executive**

Website: [hse.gov.uk](https://www.hse.gov.uk)

Provides information, advice and guidance for work-related health, safety and illness.

Business Disability Forum gratefully acknowledges the help of the Health and Safety Executive with the advice and guidance included in this Briefing.

## **Arthritis Research UK**

Copeman House, St Mary's Court,  
St Mary's Gate, Chesterfield S41 7TD

Website: [arthritisresearchuk.org](https://www.arthritisresearchuk.org)

Medical research charity dedicated to all forms of arthritis.

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