

# Briefing

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## Health and safety and the Equality Act 2010

**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

## Health and safety and the Equality Act 2010

This is one of a series of briefings, published by Business Disability Forum, which provide practical guidance for employers on specific topics relating to the employment of disabled people. It will be particularly useful for personnel or human resources managers, occupational health advisers, line managers and employment agencies.

This briefing offers guidance on the interaction between the Equality Act 2010 and other legal duties of the employer to ensure the health and safety of all employees. It provides practical information for employers on the development of effective health and safety policies and procedures to ensure the safety of all employees without unfairly discriminating against disabled people.

In addition, it offers guidance on ways to ensure an employer's duties under health and safety legislation both complement and supplement their duties under the Equality Act 2010. Finally, it will assist employers to promote and maintain safe and healthy working environments to the benefit of both disabled and non-disabled employees.

## Health and safety legislation

Under health and safety law it is the duty of every employer to provide a safe system of work for all employees.

### The Health and Safety at Work Act 1974

The Health and Safety at Work Act 1974 imposes several statutory duties upon the employer. For example, the employer must, "ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees".

Employers also have duties to protect the health and safety of others not directly in their employment, but who may be affected by the employer's activities or undertakings. For example, contractors, visitors, customers, members of the emergency services, and members of the public.

Employers' duties for the health, safety and welfare of all employees extend to:

- The provision and maintenance of plant and systems of work.
- Use, handling, storage and transport of articles and substances.
- Provision of information, instruction, training and supervision.
- Places of work and means of access and egress.
- The working environment, facilities and welfare arrangements.

### **The Management of Health and Safety at Work Regulations 1999**

The Management Regulations give guidance to employers on how to manage their duty to provide safe working practices in a systematic way.

They require an employer to:

- Conduct risk assessments – make a suitable and sufficient assessment to identify the risks to the health and safety of their employees, and identify related precautions to manage these risks.
- Implement management systems – to ensure that precautions are implemented.
- Appoint a competent source of health and safety advice.
- Develop emergency procedures.

The Approved Code of Practice to the regulations states that employers, in undertaking their risk assessment, should identify groups of workers who might be particularly at risk. It refers to disabled staff as one of these groups.

Breach of this duty may lead to an improvement or prohibition notice being imposed on an employer or a criminal prosecution. Breach of more specific duties may also give rise to civil action against an employer.

## Fulfilling your responsibilities under health and safety legislation and the Equality Act 2010

Unlike other anti-discrimination legislation, the Equality Act 2010 allows for circumstances under which treating a disabled person unfavourably because of a disability may be justified if it is a proportionate means of achieving a legitimate aim (unless the need for the unfavourable treatment could be removed by providing a reasonable adjustment).

In limited circumstances the failure to retain a disabled employee or recruit a disabled applicant may be justified if it can be shown that there is an unacceptable risk to the disabled person's own safety or the safety of others, and that this risk cannot be managed.

In the vast majority of cases health and safety presents no barriers to the employment of disabled people.

However, health and safety is frequently used as the rationale for the non-recruitment or dismissal of a disabled person.

Employers often have a mistaken belief that the employment of disabled people will present an unmanageable risk to the health and safety of both the disabled person and their colleagues. This belief is particularly entrenched in employer's attitudes towards individuals with impairments such as diabetes, epilepsy or mental health problems.

Research sponsored by the Health and Safety Executive (HSE) and the Disability Rights Commission (DRC) in 2003 found that:

- One in five large employers had decided not to offer a job to an applicant with a disability, ill-health condition or injury because of health and safety concerns. One third had dismissed an employee with a disability, injury or ill-health condition on grounds of the perceived risk to health and safety.
- One in four occupational health advisers interviewed felt that there was a conflict between the requirements of the DDA (now part of the Equality Act 2010) and compliance with health and safety legislation.
- Nearly one third of health and safety practitioners had health and safety concerns regarding the employment of people with disabilities, injuries or ill-health conditions.

The findings of this report suggest there is a lack of understanding among some employers about what constitutes a genuine health and safety risk. Lack of knowledge about the impact of a particular condition or disability can result in a paternalistic and overly cautious assessment of a disabled person's capacity to do a job.

Situations may arise where an employer believes they cannot meet their statutory duties under health and safety law if they employ a disabled person in a particular job. However, if this belief proves ill-founded, this may result in unlawful discrimination and litigation under the Equality Act 2010.

Where health and safety is put forward as the reason for refusal to recruit or retain a disabled individual, employers must be sure that the reason is justifiable.

To meet your obligations under both health and safety and equality legislation you are advised to:

- Adopt a case management approach.
- Make an individual, objective and competent assessment of any risks associated with employment of the disabled individual.
- Implement 'reasonable adjustments' which would reduce or remove risks for the individual.
- Do all that is 'reasonably practicable' to remove or reduce risks associated with the environment or work activities and to uphold safe working practices.
- Deal reasonably with any cases involving residual risks.

# Case management approach

A case management or disability management approach can prove extremely effective in managing the health and safety of disabled employees at work in ways which are mindful of the employer's duties under both health and safety legislation and the Equality Act 2010.

A case management approach can result in:

- Early identification of employees' and prospective employees' requirements.
- Efficient provision of reasonable adjustments.
- The implementation and maintenance of safe and efficient working systems.

The crucial component is co-ordination of the many factors and personnel who may be involved. This is best accomplished by appointing a disability management co-ordinator.

The disability management co-ordinator is pivotal to the system, linking together expertise in assessment, operation and review. Human resources managers often take on this role.

A collaborative approach is important as advisers will need to work as a team especially on policy-making reviews and in resolution of disagreements. It is the disability management co-ordinator who guides this process as 'case manager'.



The disability management co-ordinator's duties are likely to include:

- Identifying individuals who need disability management or support in the course of their employment.
- Working closely with the individual through the assessment, decision making and review process.
- Managing the redeployment process where necessary.
- Protecting the individual's rights, ensuring confidentiality and explaining these to the individual.
- Managing assessment and the commission of specialist advice where needed.
- Briefing advisers thoroughly.
- Co-ordinating the functional analysis of particular jobs including core competencies and capability standards required.
- Gathering reports for cross-disciplinary review to interpret assessments and adjustments recommended, i.e. equipment, changes to the environment or modifications to the job, supported as appropriate by training.
- Documenting the process in relation to each individual, including any material and substantial justifications for less favourable treatment.
- Managing the termination of employment where necessary.

The key players in disability case management are:

- The disabled individual.
- Disability management co-ordinator.
- Line manager.

and, as appropriate:

- Human resources manager.
- Occupational health adviser.
- General practitioner (GP).
- Specialist medical adviser or paramedic such as an occupational therapist, physiotherapist or psychiatric nurse.
- The Access to Work (AtW) adviser who can offer a range of practical and financial assistance.
- Health and safety officer.
- Ergonomic specialist.
- Other employee representative.

## Risk assessment

Risk assessments are integral to the effective and systematic management of health and safety for all employees, including those with a disability.

The purpose of a risk assessment is twofold:

- To identify any hazards associated with a particular work environment, facility or activity, which have the potential to cause harm.
- To assess the level of risk that each hazard poses based on the likelihood that the hazard will actually result in the particular circumstances and the severity of the consequences of this.

The risk assessment provides an employer with necessary information to identify hazards and lower the risks associated with each work activity. Through risk assessments employers are able to design effective policies to control identified risks and to establish procedures for safe systems of work.

# Individual and competent risk assessment

In some cases an employer may need to conduct an individual risk assessment for a disabled employee or applicant to determine whether the individual's particular disability presents any increased risks either to themselves or others when working in a specific role or environment.

An individual and competent risk assessment will provide the means of ensuring that any genuine concerns can be addressed in ways which are rational, proportionate to the level of risk, and which do not unduly disadvantage the disabled person.

Such risk assessments must always be specific to the particular individual, job-role and working environment concerned. It is therefore unlikely that an organisation that has a general policy of excluding or restricting the career opportunities open to people with particular impairments will be able to justify doing so, even if this policy is in accordance with the advice of an occupational health adviser.

For example, a children's nursery that has a blanket prohibition on employing anyone with epilepsy without conducting competent risk assessments on individual applicants is likely to be guilty of direct discrimination under the Equality Act 2010.

Remember, when conducting a risk assessment, those involved must:

- Focus on facts, not assumptions.
- Assess the individual and avoid blanket restrictions.
- Discuss with the individual how limitations may be overcome.
- Obtain the best medical evidence on prognosis and associated occupational hazards/risks.
- Consult with other practitioners.
- Relate the individual's requirements to the essential requirements of the job.
- Consider all relevant occupational factors.
- Identify the actual duration and frequency of hazardous situations.

## **Identify potential adjustments**

To make an individual, objective and competent assessment of any risk associated with the employment of a disabled person, employers are advised to:

### **Identify the hazards**

Make a list of the activities that the disabled person will be expected to perform and identify any potential hazards that may arise from these activities or from features of the working environment.

### **Assess the impact of the individual's disability**

Ensure that whoever is responsible for conducting the risk assessment has adequate information and understanding about the impact that the individual's impairment is likely to have upon their ability to perform their duties, and their vulnerability to workplace hazards. Consult the employee, your occupational health specialist, and with the employee's own medical adviser (with their consent) if necessary.

### **Evaluate the extent of the risk**

Take into account any reasonable adjustments that either have been, or could reasonably be, provided and evaluate their effectiveness in assisting the disabled person to avoid/reduce the risk. Make sure that any cases involving residual risks are dealt with rationally and reasonably, and those decisions are based on the real likelihood of a hazard posing a problem in the circumstances.

### **Record the significant findings of the assessment**

This will be invaluable to informing management of reasonable adjustments under the Equality Act 2010, and responsibilities under health and safety legislation. If a risk assessment identifies that, even with reasonable adjustments, it is not possible to manage the risk, these records will constitute important evidence in the event of tribunal proceedings.

## **Review the assessment at regular intervals**

Effective risk assessment is a continual process. Changes in the impact or effect of an individual's disability or condition on his or her working activities may require a new risk assessment. Similarly, changes to an individual's role as their career progresses may also require a new risk assessment. Changes to the working environment such as refurbishments or alterations to the premises, changes to policies or procedures, or the provision of new machinery or equipment may require a new risk assessment to be conducted.

**NB:** Employers are advised to consider the impact of organisational and structural change on their employees, including their disabled employees, before investing in new workplace features, e.g. telephone or computer systems or procedures which may result in the requirement under the Equality Act 2010 to make costly adjustments retrospectively.

Under health and safety legislation, a risk assessment must be suitable and sufficient.

An employer should not subject a disabled person to a risk assessment if this is not merited by the particular circumstances of the case. To do so may amount to discrimination.

## **Reducing risk through reasonable adjustments**

Reasonable adjustments made by an employer fulfilling their duties under the Equality Act 2010 may remove or reduce a health and safety risk related to a person's disability.

Examples of reasonable adjustments might include:

- Making adjustments to premises.
- Acquiring or modifying equipment.
- Allocating some of the disabled person's duties to another person.
- Giving or arranging training or mentoring (whether for the disabled person or for any other person).
- Providing additional supervision.

For more information about reasonable adjustments, including guidance on what is meant by 'reasonable' see the 'adjustments in employment' briefing.

If you need to make reasonable adjustments remember your employee may be entitled to support from the Access to Work (AtW) scheme.

Access to Work (AtW) is a government run programme that offers financial support for reasonable adjustments, such as a support worker. For more information contact an Access to Work (AtW) Adviser who will tell you more about the scheme and how it could help you. For more information about the Access to Work (AtW) scheme visit the Business Disability Forum website at [www.businessdisabilityforum.org.uk](http://www.businessdisabilityforum.org.uk)

# Reducing risk through reasonably practicable adjustments

Under the Health and Safety at Work Act 1974, employers have wide-ranging duties to ensure, so far as is reasonably practicable, the health, safety and welfare, of all employees. This includes the requirement to adjust the workplace to reduce risks so far as is reasonably practicable. In practice therefore, the Act requires reasonably practicable adjustments to be made, although this is not a term used in the statute.

The employer's duty to make adjustments to its premises to reduce risk as far as is reasonably practicable both complements and supplements the Equality Act 2010. In many cases reasonably practicable adjustments will be the same as reasonable adjustments. However, a risk assessment approach may enable organisations to identify additional 'control measures' that may serve as reasonably practicable adjustments to reduce risk.

## Control measures

**Hazard elimination** – to remove the hazard through design improvements or by just deciding not to attempt the work.

**Hazard substitution** – to replace the source of the hazard can lower the risk, e.g. replacing one chemical with another less dangerous one, or using a more appropriate (safer) piece of equipment.

**Use of barriers** – hazard isolation – to reduce contact with a hazard through use of barriers or other isolation techniques, e.g. by erecting a safety guard around a dangerous piece of machinery, or alternatively segregate employees from contact with a hazard by transferring them to a protective space for example a soundproof workroom or a sterile laboratory.

**Use of procedures** – introducing and monitoring safe systems of work to limit exposure to hazards and to define acceptable limitations on the work.

Procedures may include ongoing risk assessments and appropriate supervision and training for employees.

**Use of warning systems** – use of signs, instructions and labels to alert employees to potential hazards and to reinforce procedures around safe systems of work.

**Use of personal protective equipment** – provision of personal protective equipment, if used appropriately, may safeguard employees against any residual risks relating to a particular occupational hazard.

## **How do reasonable adjustments compare with reasonably practicable adjustments?**

Guidance on Health and Safety at Work Act 1974 indicates that the financial standing of the employer is not relevant to the judgement of reasonable practicability. Arguably therefore, the duty to make adjustments under health and safety law may be more stringent than under the Equality Act 2010.

It is also worth noting that while employers have a duty to make reasonable adjustments only in respect of individuals who fall within the definition of disability given in the Equality Act 2010, any employee with any condition which has implications for health and safety, is protected by the duty to make reasonably practicable adjustments.

When managing health and safety, both the duties under the Equality Act 2010 and under health and safety law are relevant. The employer must fully explore the potential of both reasonable adjustments and reasonably practical adjustments to eliminate risks and to avoid unfair treatment.



## Adjustments in action

Here are some examples where reasonable or reasonably practical adjustments may have an impact in reducing the level of risk that a disabled employee is exposed to:

- Modifying a job description to remove non-essential, but potentially hazardous duties may allow employment with minimal disruption, e.g. removal of the occasional requirement to lift for a person with arthritis, or the removal of the minor requirement to work at heights for a person with epilepsy.
- Replacing a sensitising or irritant product with an alternative may, together with health surveillance, enable an employee with asthma or eczema to continue working as a paint sprayer or cleaner.
- An employee of a factory has a substantial hearing impairment but is unable to wear hearing protection because it impairs communication. There is concern that noise exposure from nearby machinery may cause further damage. The health and safety adviser and occupational physician recommend that compliance with health and safety law could be achieved by the installation of sound barriers and regular audiometric surveillance. Because of the considerable expense involved, the managing director takes further advice and concludes that the recommended measures may not be required as reasonable adjustments on cost grounds, but to avoid a breach of health and safety law it would be prudent to implement them as reasonably practicable adjustments.

# Dealing with residual health and safety risks

Despite adjustments, the employment of a disabled person may still entail health and safety risks to the individual or to others. Unacceptable residual risks, properly assessed as such under health and safety law, may be justification under the Equality Act 2010 for rejection at recruitment or even dismissal if no redeployment options are available.

However, risks may embrace a spectrum from trivial to serious. Health and safety law does not require employers to remove all conceivable risk, but to ensure that risk is properly appreciated, understood and managed. The question will therefore arise for employers, “what is acceptable or unacceptable?”

This is a complex area. However, important principles of good practice in the following areas should be considered.

## Management and medical responsibilities

Human resource managers often ask a doctor to assess fitness for work when the employment of a person with a medical condition may give rise to risks. This does not mean that the decision on employability is a medical responsibility. The doctor’s role is to assess the risks and present them as clearly as possible.

It is then the employer’s responsibility to decide on the acceptability of risks after reasonable adjustments have been made under the Equality Act 2010 and health and safety legislation. Specialist occupational physicians, however, may be able to assist employers in deciding the level of risk that is acceptable.

For more information about the use of occupational health specialists refer to the ‘disability management and the medical adviser’ briefing.

## Risk/cost-benefit balance

Health and safety law recognises that it is not always possible nor reasonably practicable

to eliminate risk. The concept of using a risk/cost-benefit balance to judge what is or is not reasonably practicable has been long established by case law (Edward v National Coal Board 1949) in a way which can help employers distinguish between acceptable and unacceptable residual risks.

The employer has to make a calculation in which the risk is balanced against the sacrifice

in money, time or trouble involved in avoiding that risk. Factors which will weigh in favour of recruiting or retaining a disabled employee include the cost to the employer of losing the skills and experience of a valuable employee or potential employee, and the costs of having to recruit and train a replacement.

In some circumstances, even with a comprehensive risk assessment and the implementation of reasonable adjustments, some small residual risk may remain in the employment of a disabled person. However, if it is shown that this residual risk is insignificant in proportion to the cost of not recruiting or of dismissing an employee, then the employer may still be able to demonstrate they have complied with the duty to reduce risk so far as is reasonably practicable.

Important additional factors to consider are the human and financial costs in denying the disabled person employment.

In the UK this type of risk/cost-benefit analysis is relatively undeveloped, but the Equality Act 2010 provides employers with a powerful incentive to exploit its potential in the interests of both disabled people and organisations.

## Risk to others

The law understandably sets a high standard for preventing risks to others, but this will not justify over-zealous regard for trivial hazards or the remote possibility of injury. For example, in teaching, the health care professions, manufacturing and many other occupations, perceived hazards of epilepsy are often found to be trivial when properly assessed and employment should not be prohibited: doing so may amount to discrimination.

Even serious hazards may be disregarded when, on the basis of a competent assessment, the risk of such a hazard actually causing harm is found to be negligible and all reasonably practicable precautions have been applied. Guidance on assessing the fitness of fire fighters with diabetes, for example, has acknowledged this principle.

The extent to which minor or moderate risks to others, of low probability, would be acceptable will depend on the outcome of a risk/cost benefit calculation.

## Legal case study

Mr Roberts was dismissed after 11 days working for ASD as a crane driver. The reason given for his dismissal was that his hearing impairment created greater health and safety problems than had been appreciated when he was appointed. The issue for the tribunal was whether this treatment was justified under the DDA (now part of the Equality Act 2010).

Mr Roberts had successfully worked for eight years in a similar job with another employer, before losing his job when the factory closed. During this time he had gained an NVQ, which included 'working safely in an industrial environment'. During initial training Mr Roberts' supervisor told him that he was doing very well, better than his hearing colleague who had been taken on at the same time.

He was able to hear machinery, and the approach of a forklift truck. Nevertheless, following

one incident in which Mr Roberts had difficulty understanding instructions, his supervisor recommended his employment be terminated because he could not work adequately as part of a team.

It was at this point that the health and safety manager was consulted. He was concerned that Mr Roberts would not be able to hear a shouted warning in an emergency. The steel sections he was shifting would cause serious injury or death if they fell on someone. He was also concerned that Mr Roberts would not be able to hear the horn of a truck, and would be in danger if one emerged from a concealed opening.

Mr Roberts claimed that his dismissal constituted disability discrimination. The tribunal did not accept that ASD's reasons were material or substantial. They pointed to Mr Roberts' previous experience of working in an industrial environment as sufficient to equip him with the means to avoid the hazards present in this job.

The tribunal also felt that ASD had exaggerated the importance of oral communication for team work. They felt that any impact which his communication difficulties had on the team's efficiency would not be significant. They pointed to the fact that skilled workers operating in pairs learn to operate as a team without the need for much oral communication.

The tribunal accepted that the consequences of any safety lapse would be very serious but asked whether the risk was, "substantial or theoretical". They felt that given Mr Roberts' awareness of his own disability, and the need to use eyesight to compensate, that the risk was theoretical. Mr Roberts therefore won his claim for disability discrimination.

This case was decided under the DDA. However it is likely that a similar approach would be taken by a tribunal now under the Equality Act 2010 when deciding whether the dismissal was a proportionate means of achieving a legitimate aim and so justifiable.

## Autonomy and risk to self

How should an employer respond where a residual risk has been properly identified, but is confined to the disabled employee themselves?

Here the risk/cost-benefit balance should reflect the wishes of the disabled employee. A full discussion with the individual should explain the nature and extent of the risk. An occupational health physician may be well placed to discuss relevant issues with the employee. Where the employee decides that the benefits of working outweigh the risks, his/her self-determination to accept reasonable residual risks should be respected wherever possible.

The relationship between the employer's duty of care and an individual's freedom of choice is complex and you may want to seek legal advice. However, the Health and Safety at Work Act 1974 introduces general duties on all employees at work:

- To take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work and
- as regards any duty or requirement imposed on his employer, or any other person, by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or met.

The employer must do all that is reasonably practicable to eliminate risk, but this does not imply an absolute duty to remove risk. Case law has established that it is lawful for employers and their employees to accept reasonable residual health and safety risks inherent in dangerous occupations providing the condition of reasonable practicability has been complied with.

Where employers have acted reasonably to reduce risk and the employee is informed about this residual risk, an action in negligence for resulting harm will, in all likelihood fail.

## Accepting risk

The principles outlined above should usually determine if the risk is acceptable. If not, the employer will have to make a judgement. The overriding principle should be to act reasonably taking into account all relevant considerations and responsibilities.

### Example

Steven, a recently qualified civil engineer who has epilepsy, applied for a post as a project worker. Because of the hazards of working near moving machinery or at heights, the company's recruitment standards for the post excluded employing anyone with epilepsy. The health and safety adviser confirmed that, over a period of months, work was likely to involve many hours when these hazards would exist and so Steven's application should be rejected for health and safety reasons.

The human resources manager, however, requested:

- A management report on the practicalities and cost of eliminating the hazards from the post.
- A specialist medical assessment of his prognosis and its relevance to the responsibilities of the post.

The management report concluded that while the work in hazardous situations could not

be eliminated, it could be substantially reduced with comparatively little cost by reallocating responsibilities involving working at heights to other members of the team and rescheduling duties in the vicinity of plant machinery to times when the machines would not be operating. Hazardous work could effectively be minimised to no more than a few hours annually.

The specialist medical report identified that Steven's epilepsy was well controlled and placed the annual risk of seizure recurrence between one in three and one in five.

The reports enabled the human resources manager, the management team and Steven to agree that, with reasonable adjustments and a review if circumstances changed, the residual risks of accident or injury would be well below that accepted on a daily basis in activities such as driving. Furthermore, the risks to others would be negligible. Employing him was deemed not to conflict with the Health and Safety at Work Act, and Steven was offered the post.

## Legal case study – Jones v The Post Office

Mr Jones was diagnosed as having insulin dependant diabetes in 1997. The Post Office's policy at that time was that anyone who received insulin treatment was not fit to continue with any driving duties for the business.

Mr Jones brought a complaint of disability discrimination and the Post Office reconsidered its policy. It determined, after taking medical advice that Mr Jones would be able to return to limited driving duties provided that these did not exceed two hours in any 24-hour period. In addition, the Post Office specified that he should be allowed:

1. Time to take appropriate steps to control his diabetes, such as monitoring his blood sugar and taking additional meal breaks as necessary.
2. Flexibility to limit his driving should he feel unwell and
3. He should present himself for a review of his medical condition at least every six months.

Mr Jones accepted the above conditions but maintained that the continued restriction on his driving was still discriminatory. The Post Office accepted that the restriction was less favourable treatment but argued that they were justified because they were acting on medical advice.

Mr Jones had medical advice that contradicted this and so argued that the Post Office was not justified. He was successful before the Employment Tribunal who preferred his medical expert's evidence, which was based on the latest research but which had not been put to the Post Office before the Tribunal hearing.



The case was then appealed to the Employment Appeal Tribunal and eventually to the Court of Appeal, both of which overturned the Employment Tribunal decision. The Court of Appeal held that:

- Where an employer has undertaken a properly conducted risk assessment which
- Provides a reason which is both material and substantial (the words in the DDA) and
- Is not irrational then
- The employer is entitled to rely on that reason (the risk assessment) to justify less favourable treatment.

The Court of Appeal did go on to say that if the employee disagrees with the employer's medical advice and produces evidence of his own which is shown to the employer, this must be considered, i.e. the employer should do another risk assessment.

This case was decided under the DDA but the principles remain valid under the Equality Act 2010. Employers still need to conduct proper risk assessments and take advice from appropriately qualified experts if they are to show that any unfavourable treatment of a disabled person is justified as a 'proportionate means of achieving a legitimate aim' i.e. safeguarding health and safety.

# Promoting health and safety at work

Effective management of health and safety and the promotion of safe working systems for all employees makes good ethical and economic sense:

- In a typical year in the UK around 300 people are killed in work-related accidents, 30,000 people suffer major injuries and over 2,000 people die as a result of occupational diseases. At least 10,000 other deaths are partly attributable to occupational ill health.
- In 2001-2002 the Health and Safety Executive estimate that workplace accidents and work-related ill health cost British employers up to £7.8 billion.
- There are significant indirect costs associated with staff sickness absence, reduced performance from staff in pain or discomfort, the loss of trained and experienced employees, cost of early ill-health retirement, damaged equipment, loss of business reputation or through legal sanctions such as prohibition notices.
- Insurance companies will only protect organisations against a limited range of direct and indirect costs. Research conducted by the HSE into the costs of accidents at work indicates that the ratio of insured costs to uninsured costs can be as high as 1:36.

Used effectively, health and safety legislation can help to promote the health, safety and welfare of your workforce, preventing accidents and incidents of occupational ill health.

## Workplace ergonomics

Ill health resulting from poorly designed workstations, tasks, and lifting and handling systems is extremely costly to British business. Musculoskeletal injuries are one of the most significant occupational health problems in the UK.

An estimated 439,000 workers in the UK in 2011-12 suffered from musculoskeletal disorders [1].

To reduce the incidence of musculoskeletal ill health in your workforce, employers may benefit from taking an ergonomic approach to their work systems and working environment.

Ergonomic consultants assess the individual in their working environment. They apply data about human abilities, attributes and limitations to ensure a good 'fit' between employees, the tools they use and the work they do. Correct application of ergonomics will produce a work-system that optimises human performance and minimises the risk to workers' health and safety.

The benefits of applying ergonomics:

- Improved safety, as people are less likely to make a mistake if equipment is designed to take into account their abilities (e.g. if characters on displays are a suitable size and colour so they can be read accurately).
- Reduced ill health and sickness absence, as equipment and workstations are designed to fit people (e.g. seats are comfortable) and tasks are designed to take account of abilities (e.g. work rates and weights handled are within a person's capabilities).
- Reduced fatigue and stress, as tools, equipment and systems are easier to use.
- Increased efficiency, performance and productivity.
- Increased job satisfaction, as tasks are easier to perform creating a more motivated workforce.

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[1] Institute of Occupational Safety and Health, 2013.

The ergonomic approach can also prove valuable in managing the risk of work-related hazards for disabled employees. The Health and Safety Executive strongly recommends that employers seek advice from ergonomists when carrying out risk assessments under the Management of Health and Safety at Work Regulations. A full assessment should include consideration of:

- Job design – the actual requirements of the particular job and tasks involved.
- Working methods, posture, effort and forces involved.
- Equipment and tools (especially hand tools involving gripping action).
- Work organisation and systems of work, including the variety and allocation of tasks, scheduling of rest breaks, and job rotation.
- Pacing, intensity and duration of work activities.
- Display screen equipment.
- Workstations and the work environment (including lighting, noise levels, temperature and ventilation, and the physical features of the premises).
- Employment arrangements and organisational issues, such as disability and equality policies; health and safety arrangements and procedures (including risk management and reporting procedures); employment policies and procedures; communications, organisational culture and attitudes, and related management and staff training.

## Stress management

Workplace pressure is a part of everyday life and can be a positive force which stimulates and motivates your work force. However, it is important to recognise the difference between pressure as a positive, dynamic force, and stress or 'distress' which may have destructive and demoralising effects on your workforce.

The HSE define stress as, "the adverse reaction people have to excessive pressure or other types of demand placed on them".

People and organisations do not perform at their best when stress is not managed effectively. While the threshold between pressure and stress is personal and will vary between individuals and across different situations, there are a number of recognised organisational factors which increase the likelihood of a workforce experiencing stress.

The HSE has identified six key organisational areas which may impact on an employee as they carry out their work:

- Demands – the demands placed upon an employee in their role, including scale of workload, the skills and capabilities of an employee to fulfil workload, work patterns and the working environment.
- Control – how much say an employee has in the way they do their work.
- Support – including encouragement, training and resources provided by the organisation, line management and colleagues to assist an employee to do their work, and systems to support employees when things go wrong.
- Relationships – promoting positive working, clear communication and fair treatment to avoid conflict and ensuring that unacceptable behaviour including bullying and harassment is effectively managed and dealt with by an organisation.
- Role – whether people understand their role in the organisation and whether the organisation ensures that employees do not have conflicting roles.
- Change – how organisational change (large or small) is managed and communicated within the organisation.

Taking a strategic approach to managing organisational pressure can enable employers to reduce or eliminate these causes of workplace stress:

- Carry out a risk assessment for stress, identifying pressures at work that could cause high and long-lasting levels of stress for employees.
- Identify who might be at particular risk of harm from these pressures and whether you are doing enough to prevent that harm.
- Ensure workloads are realistic and appropriate to the skills and capabilities of staff.
- Ensure all employees are provided with clear objectives and are not subject to conflicting demands.
- Allow as much flexibility as possible in working arrangements and recognise the value of allowing employees a greater level of control in the way they plan their time and perform their duties. Encourage employees to show initiative and where possible allow flexible working hours and remote working patterns.
- Provide all employees with fair appraisals of their performance, and ensure that employees have access to regular feedback, development and training opportunities.
- Take initiatives to raise awareness of stress and promote a healthy work/life balance within your organisation.
- Make sure your organisation's systems of communication are based on honesty and openness. Consult your employees and ensure that relevant stakeholders are involved at every stage of the decision-making process.

## **Violence, bullying and harassment at work**

Bullying and harassment are important issues to consider because of the impact that offensive or intimidating behaviour can have on an employee's confidence, dignity and self-esteem.

As an employer, you are legally responsible, both under the Equality Act 2010 and health and safety legislation to take all reasonable steps to deal with workplace violence, bullying and harassment. Failure to do so may also place the employer at risk of a personal injury claim for damages if such breaches result in physical or psychological injury to the employee.

'Harassment' has a very broad definition under the Equality Act 2010, in that it is unwanted conduct which has the purpose or effect of violating the disabled person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for him.

### **Bullying and harassment**

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.

Provide training for line managers to help them to identify and manage incidents connected to bullying and harassment in the workplace.

Challenge all forms of bullying and harassment, but especially those which stem from stereotyping and a lack of understanding and intolerance to difference. Introduce disability awareness and other diversity training across your workforce.

Make it clear to all employees that any bullying or harassment, including on the grounds of disability, will not be tolerated and that offenders will be dealt with through the organisation's disciplinary procedures.

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.

## **Violence and intimidation at work**

Ensure that your organisation has policies and procedures in place to uphold the personal safety and security of your staff at work.

Provide training for line managers to help them to identify and manage incidents connected to violence and intimidation in the workplace and the community.

Make it clear to customers and members of the public that your employees have the right to carry out their duties without fear of verbal abuse or physical assault and that any individuals found to assault a member of staff will be prosecuted.

Carry out risk assessments and ensure the design and layout of your buildings and staffing levels reduce the risk to vulnerable or lone workers. Where employees work remotely or in the community, ensure adequate training and personal protective equipment is provided, including personal alarms and means of communication.

Allow employees access to support networks internally or externally from work. If possible ensure employees who have experienced violence or intimidation at work have access to professional and confidential counselling.

## **Fire and evacuation procedures**

Employers are required to provide a means of escape and have related safety precautions in place to ensure the preservation of life of all employees in the event of a fire.

This may entail making adjustments to policies, procedures and practices to assist disabled employees to vacate the building. It also may entail making changes to the physical features of the building or providing or modifying equipment to facilitate the evacuation process.

In order to comply with building regulations, most new buildings must provide a means of escape for disabled people. A way of achieving compliance is shown in approved documents 'B' and 'M' of the Building Regulations and British Standards BS 5588 Part 8. The guidance contained in these documents should also be considered and, where possible, implemented within existing buildings.



Details of requirements should be confirmed with your building control officer, the access officer at your local authority and the fire safety officer at your local fire authority.

## **Personal emergency plan**

Employers should review their emergency evacuation policies and procedures to ensure that personal evacuation plans are designed for any disabled people who need them.

Personal emergency egress plans (PEEPs) will help you to devise emergency evacuation plans that take into account the individual requirements of disabled employees and the unique characteristics and features of their place of work.

The requirements of individual disabled employees are likely to vary considerably, from those who will need little or no assistance to evacuate a building to those who may need greater levels of support.

Remember, not all employees who will require assistance will have told you they are disabled. For example, additional assistance may be required by an employee who experiences panic attacks in times of anxiety or by an employee with asthma whose breathing difficulties are exacerbated by anxiety or smoke.

It is therefore important to:

- Ask all employees if they will require assistance in the event of an emergency.
- Identify and establish contact with disabled people who may require assistance in the event of an emergency.
- Devise a means of locating disabled people in the building when the alarm is raised. For example, keep records of where employees with personal egress requirements are stationed and create designated meeting points for disabled clients, visitors and employees to wait for assistance.

When developing a PEEP for an individual disabled person:

- Consult the disabled individual and tailor the plan to meet their requirements.
- Seek advice from all relevant parties. These might include the disabled employee, health and safety or fire safety practitioners, human resources managers, facilities managers, line managers, access and building control officers, the local fire authority, and access and disability specialists.
- Train staff who have responsibilities for assisting in the event of an evacuation, e.g. training in lifting, use of hoists and 'evac' chairs, or in guiding techniques to assist visually impaired people.
- Ensure 'evac' chairs and other equipment are available and are appropriate to the requirements of the disabled individual and the work environment.
- Where necessary, provide visual or sensory alarms.
- Provide accessible information to all employees about health and safety procedures and what to do in the event of an emergency. This may involve providing information in alternative formats, e.g. large print.
- Publicise your evacuation procedures and test and evaluate them regularly. Wherever possible, disabled people should participate in fire drills and should be involved in the evaluation process.

## Progressive horizontal and vertical evacuation

### Progressive horizontal evacuation

In larger buildings, alarm systems are commonly linked to zones that the building has been divided into – usually along both horizontal and vertical lines. Each zone is designed to withstand the spread of a fire for a period of time from several minutes up to several hours, depending on the nature of the fire, the speed and direction with which it is spreading, the presence of oxygen or any flammable materials, and the success of any interventions.

During an evacuation it is preferable to evacuate people in stages whenever possible; initially to a different horizontal zone in the building, and only evacuate them out of the building in later stages if it is strictly necessary.

## Vertical evacuation

In circumstances where horizontal evacuation is not practical or appropriate, organisations will have to consider vertical evacuation.

There are no regulations that automatically preclude a disabled person from using any part of a building, and access and egress procedures will, therefore, need to be devised for disabled employees who work above the ground floor of a multi-storey building.

The requirements of individual disabled people including wheelchair users and those with other mobility impairments will vary considerably in relation to emergency according to the nature of their disability and the constraints of the design and fabric of the building in question.

If people need to move to lower or higher floors during an evacuation, they may need to use:

- Safety refuges.
- Lifts.
- Evacuation and carrying chairs ('evac' chairs).

## Safety refuges

British Standard BS 5588 part 8 Code of Practice for Means of Escape for Disabled People defines a refuge as an "area that is enclosed with fire resisting construction (other than any

part which is an external wall of a building) and served directly by a safe route to a storey exit, evacuation lift or final exit, thus constituting a temporary safe space for disabled people to await assistance for their evacuation".

A safety refuge is designed to be a temporary place of safety during the evacuation process. They are designed to provide extra time for people to rest or wait until the main evacuation routes are less busy.

Every refuge needs to have a fireproof communication link (e.g. a telephone) to the outside world. This can be a portable or fixed handset.

## Lifts

BS 5588 part 8, recommends that in addition to refuges, organisations should consider the provision of an evacuation or fire fighting lift.

### Evacuation lift

A lift which has been designed to be used for the purposes of evacuation in an emergency under the direction of management or fire fighters.

### Fire fighting lift

A lift which has been designed to have additional protection against fire, with controls that enable it to be used under the direction and control of the fire service in fighting a fire.

Any lift provided for the evacuation of disabled people in an emergency should be clearly signposted, designed to be resistant to fire and provided with a protected route from the lift lobby at the final exit level to the final exit.

The lift should be served with a primary electrical supply which is independent from any main or sub-main circuit. An alternative power supply such as an automatically started generator should also be provided to ensure the lift remains operational in the event of a power failure.

## Evacuation and carrying chairs ('evac' chairs)

A person with mobility or other impairments may choose to use an 'evac' chair.

An 'evac' chair is a canvas chair with small runners (wheels) under it. An assistant can lower a person sitting in this chair down stairs. Some chairs are designed to allow people to be pushed up stairs. (Note: wheelchair users should not be evacuated by wardens carrying the disabled person in their wheelchair).

There are two main styles of 'evac' chair – one that is carried down by two attendants, and one that requires one attendant, and is battery powered, using caterpillar style tracks. The 'evac' chairs can either only be used when going down stairs, or can have an additional climbing function to be used when going up stairs.

Many disabled people do not find 'evac' chairs a comfortable or dignified means of escape, and would prefer to be evacuated using other means, such as an evacuation lift, if possible.

In order to evacuate a disabled person using an 'evac' chair, fire wardens and deputy fire wardens need to be trained in the manual handling of people.

# Regulatory framework

## Disability discrimination under the Equality Act 2010

### Direct discrimination

It is unlawful for an employer to treat a disabled job applicant, or employee, less favourably, simply because of their disability. This type of discrimination is known as direct discrimination. It is unlawful and cannot be justified.

### Discrimination arising from disability

Discrimination arising from disability occurs when:

- An employer knows or could reasonably be expected to know that the person is disabled.
- The disabled person experiences unfavourable treatment which arises as a consequence of their disability.

There is no requirement for a comparator i.e. the disabled person does not have to show that they have been treated or would have been treated less favourably than someone else.

An employer can justify detrimental treatment arising out of a disability if they can show that it is a proportionate means of achieving a legitimate aim.

### Indirect discrimination

The Equality Act 2010 has introduced the new concept of indirect disability discrimination.

Indirect discrimination occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic, e.g. a disability at a particular disadvantage. An example could be a requirement for every employee to drive or hold a driving licence which places some people who cannot drive because of their disability at a greater disadvantage than other people.

Indirect discrimination may, however, be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim, e.g. if driving is an essential part of the job.

## Reasonable adjustments

An employer has a duty under the Equality Act 2010 to make reasonable adjustments (which includes providing auxiliary aids such as a support worker or information in alternative formats) to prevent a disabled employee from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice of the employer.

The duty applies to all aspects of employment, including recruitment and selection, training, transfer, career development and retention and redundancy. Failure to make a reasonable adjustment to a provision, criterion or practice, or to a physical feature of the workplace where this is placing a disabled person at a substantial disadvantage compared to people without a disability is unlawful and cannot be justified.

When deciding whether or not an adjustment is reasonable an employer should consider the:

- Effectiveness of the adjustment in preventing the disadvantage.
- Practicality of the adjustment.
- Financial and other costs of the adjustment and the extent of any disruption caused.
- Extent of the employer's financial or other resources.
- Availability to the employer of financial or other assistance to help make an adjustment, for example through the Access to Work (AtW) scheme and the support of Jobcentre Plus.

## Equality duty

Public authorities and those carrying out public functions are required by the Equality Act 2010 to promote equality of opportunity for disabled people. This includes ensuring that third parties, such as recruitment agencies which provide services to the authority, do not discriminate against disabled people and that they positively encourage disabled candidates to apply for jobs within the authority. The duty also means that authorities need to think in advance about the needs of both disabled employees and potential disabled employees. Authorities should bear this in mind when reading this briefing.

As well as the Equality Act 2010, there is also a statutory Code of Practice on Employment. 'Statutory' means that it is produced under the legislation, it is admissible as evidence and must be taken into account by courts and tribunals where relevant.

## What is a disability?

The Equality Act 2010 gives rights to disabled people who have, or have had, a disability which makes it difficult for them to carry out normal day-to-day activities. The term 'disability' covers both physical and mental impairments that have a substantial and a long-term (i.e. has lasted or is expected to last for at least 12 months) adverse effect on the person's ability to carry out normal day-to-day activities. 'Substantial' means more than minor or trivial.

Medical or other treatment and aids, including therapeutic treatments such as psychotherapy, which alleviate or remove the effect of the impairment are to be disregarded when assessing whether the impairment has a substantial adverse effect on normal day-to-day activities. Thus people with conditions such as insulin dependent diabetes, epilepsy or depression may be protected.

The only exceptions are people who wear spectacles or contact lenses – the effect on them must be assessed while the person is wearing the spectacles or contact lenses. However people who are registered as blind or partially sighted with an ophthalmologist or their local authority are deemed to be disabled.



Progressive conditions, which have a slight effect on day-to-day activities but are expected to become substantial, are covered, as are conditions that have a substantial effect for short periods but are likely to recur. However, HIV, multiple sclerosis and cancer are deemed to be disabilities from the point of diagnosis. Severe disfigurement is also classed as a disability if it is long term.

People who have had a disability in the past which had a substantial adverse effect on their normal day-to-day activities for a period of at least 12 months are also protected by the Act. This is the case even if their disability existed before the Equality Act 2010 or its predecessor the Disability Discrimination Act (DDA) came into force and they have now fully recovered.

# Further information

## Contact Business Disability Forum

### Business Disability Forum

Nutmeg House, 60 Gainsford Street,  
London SE1 2NY.

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

Textphone: **+44-(0)20-7403-0040**

Fax: **+44-(0)20-7403-0404**

Email: **[enquiries@businessdisabilityforum.org.uk](mailto:enquiries@businessdisabilityforum.org.uk)**

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

## About Business Disability Forum

Business Disability Forum is a not-for-profit member organisation that makes it easier and more rewarding to do business with and employ disabled people.

We have more than twenty years experience of working with public and private sector organisations, formerly as the Employers' Forum on Disability.

Our 400 members employ almost 20% of the UK workforce and together, we seek to remove the barriers between public and private organisations and disabled people. We are a key stakeholder for both business and government. We have contributed to the establishment and development of meaningful disability discrimination legislation in the UK.

Business Disability Forum provides pragmatic support by sharing expertise, giving advice, providing training and facilitating networking opportunities. This helps organisations become fully accessible to disabled customers and employees.

If you would like further information, contact Business Disability Forum's advice service on **+44-(0)20-7403-3020** or **[advice@businessdisabilityforum.org.uk](mailto:advice@businessdisabilityforum.org.uk)**.

# Business Disability Forum products and services

## Line manager guides

- Performance management
- Non-visible disabilities
- Reasonable adjustments
- Attendance management and disability
- Working with disabled colleagues
- Mental health at work

The line manager guide series, plus other best practice and etiquette guides, are available to purchase as electronic toolkits, in hard copy or licensed for your organisation's intranet. Please contact the team on **+44-(0)20-7089-2410** or email **publications@businessdisabilityforum.org.uk**

## Business Disability Forum membership enables you to:

- Access specialist advice and training on disability legislation and related employment regulations.
- Enhance your reputation with disabled people, employees, customers and government.
- Improve your business performance, enabling you to become a disability-smart organisation that has access to the widest possible talent and customer base.

## Other Business Disability Forum products and services:

### Advice service

Our Members and Partners receive access to our free and confidential advice service. Our team of expert disability consultants are proud of the prompt and professional service they provide. They are available during normal working hours and will aim to respond within 24 hours or as quickly as possible in more complicated cases.

In addition to dealing with queries the service will review Members' and Partners' specific policies. This service is limited to two hours per policy and is by appointment only.

The advice service can be reached by telephone: **+44-(0)20-7403-3020**, email: **advice@businessdisabilityforum.org.uk** or textphone: **+44-(0)20-7403-0040**

### Telephone surgeries

#### Legal

Bela Gor, expert in disability law and Business Disability Forum Legal Director runs free monthly in-house telephone surgeries. The surgeries are for members with questions on topical legal issues.

The surgeries aimed at lawyers, HR and diversity managers and employee representatives. Surgeries are limited to 20 minute slots and must be booked in advance by emailing: **events@businessdisabilityforum.org.uk** or by telephoning: **+44-(0)20-7403-3020**.

#### Disabled Employee Networks

Kate Nash OBE, a Business Disability Forum Associate, hosts a telephone surgery for Disabled Employee Network managers on the last Monday of every month. This advice is free for Partner Group members.

Surgery slots can be up to one hour long but must be booked in advance by emailing: **events@businessdisabilityforum.org.uk** or by telephoning: **+44-(0)20-7403-3020**.

## **Training and networking**

### **Training**

We develop and deliver tailored in-house disability training. Your organisation will benefit from our knowledge, experience and speakers from our network of disability experts.

Our experience of workplace disability issues, in both the private and public sectors, allows us to readily understand your training requirements and offer the right mix of training. We focus on providing value to your organisation.

### **Networking**

We organise a comprehensive programme of events. All our events are based on promoting and sharing best practice and helping members to learn from each others experience.

You can contact our events team on:

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

**Textphone: +44-(0)20-7403-0040**

**Email: [events@businessdisabilityforum.org.uk](mailto:events@businessdisabilityforum.org.uk)**

Our events are either free or discounted to Members and Partners. Paying events are open to non-member organisations and individuals.

### **Publications**

The Business Disability Forum library is a unique source of accurate, authoritative and up-to-date information on business and disability. The briefings, toolkits and line manager guides cover every aspect of bringing organisations and disabled people together from recruitment and retention to reasonable adjustments and disabled employee networks. They provide practical advice to help organisations recruit and retain disabled people and serve disabled customers.

More than eight million copies of our publications are in circulation, used by forward-thinking organisations across the private and public sectors.

Members receive a free set of our world-leading publications on joining.

## **Consultancy**

Our consultants are skilled at analysing your business performance on disability against the framework of the Disability Standard and can provide you with a detailed insight of where you are on disability, where you need to be and how to get there.

We;

- Review, audit and evaluate your processes and policies across the business including recruitment, customer services and workplace adjustments.
- Carry out gap analysis of what is working well for disabled customers and employees, identify where there are concerns and highlight any legal risks.
- Provide pragmatic and effective help with planning and implementation to bring about real change.

To discuss your consultancy needs and what we can offer please contact us on tel: **+44-(0)20-7403-3020**, or email **consultancy@businessdisabilityforum.org.uk**

**Other benefits popular with members include:**

- Free e-check for your intranet or website.
- Free two-hour document review service.
- Participation in Business Disability Forum's Disability Standard, the authoritative measure of how disability-smart an organisation is, providing a way to improve customer and employee experiences.
- Member-only content on our Disability Standard website (which can be accessed by all employees).

Further information on joining Business Disability Forum's membership and a comprehensive list of our Partners can be downloaded from [www.businessdisabilityforum.org.uk/become-a-member](http://www.businessdisabilityforum.org.uk/become-a-member)

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

# Further sources of reference

## Useful organisations

### **Equality Advisory Support Service (EASS)**

Freepost equality advisory support service FPN4431

Telephone: **+44(0)-808-800-0082**

Textphone: **+44(0)-808-800-0084**

Website: **[equalityadvisoryservice.com](http://equalityadvisoryservice.com)**

EASS provides information advice and support on discrimination and human rights issues to individuals in England, Scotland and Wales, recognising the constitutional, legal, social and policy differences.

### **The Equality and Human Rights Commission (EHRC)**

Website: **[equalityhumanrights.com](http://equalityhumanrights.com)**

EHRC has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine “protected” grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

### **Equality Commission for Northern Ireland**

Equality House, 7 - 9 Shaftesbury Square, Belfast, BT2 7DP

Telephone: **+44(0)-28-90-500-600**

Textphone: **+44(0)-28-90-500-589**

Fax: **+44(0)-28-90-248-687**

Email: **[information@equalityni.org](mailto:information@equalityni.org)**

Website: **[equalityni.org](http://equalityni.org)**

The Commission promotes equality and challenges discrimination in Northern Ireland.



## Access to Work

### London

Telephone: +44(0)-20-8426-3110

Textphone: +44(0)-20-8426-3133

E-mail: [atwosu.london@jobcentreplus.gsi.gov.uk](mailto:atwosu.london@jobcentreplus.gsi.gov.uk)

### Scotland

Telephone: +44(0)-141-950-5327

Textphone: +44(0)-845-602-5850

E-mail: [atwosu.glasgow@jobcentreplus.gsi.gov.uk](mailto:atwosu.glasgow@jobcentreplus.gsi.gov.uk)

### Wales

Telephone: +44(0)-2920-423-291

Textphone: +44(0)-2920-644-886

E-mail: [atwosu.cardiff@jobcentreplus.gsi.gov.uk](mailto:atwosu.cardiff@jobcentreplus.gsi.gov.uk)

Website: [gov.uk/access-to-work/overview](http://gov.uk/access-to-work/overview)

Access to Work (AtW) is a government scheme run by Jobcentre Plus that covers the financial cost of providing disability solutions that would otherwise not be considered a "reasonable adjustment".

## Jobcentre Plus

Website: [gov.uk/contact-jobcentre-plus](http://gov.uk/contact-jobcentre-plus)

Jobcentre Plus supports people of working age from welfare into work and helps employers to fill their vacancies.

## ACAS

Euston Tower, 286 Euston Road, London NW1 3JJ.

Telephone Helpline: +44(0)-8457-38-37-36

Text Relay: +44(0)-8457-47-47-47 (Monday-Friday 8am-8pm, Saturday 9am-1pm) 18001 08457 474747

Website: [acas.org.uk](http://acas.org.uk)

ACAS provides independent advice on employment disputes for employers and employees.

## **Citizens Advice Bureau**

England: **+44(0)-8444-111-444**

Wales: **+44(0)-8444-77-20-20**

TextRelay: **+44(0)-8444-111-445**

Website: **[citizensadvice.org.uk](http://citizensadvice.org.uk)**

The Citizens Advice Bureau advises on employment and benefits issues, including access to legal advice.

## **Disability guidance**

### **Two Ticks or disability symbol**

The two ticks scheme is a recognition given by Jobcentre Plus to employers based in Great Britain who have agreed to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees.

### **Tailored adjustment agreement**

Website: **[businessdisabilityforum.org.uk/talent-recruitment](http://businessdisabilityforum.org.uk/talent-recruitment)**

This is a live document recording the reasonable adjustments that have been agreed for an employee.

## **Employment resources**

### **Society of Occupational Medicine**

Hamilton House, Mabledon Place, London WC1H 9BB

Tel: **+44(0)-20-7554-8628**

Fax: **+44(0)-20-7554-8526**

Email: **[admin@som.org.uk](mailto:admin@som.org.uk)**

Website: **[som.org.uk](http://som.org.uk)**

Society for doctors providing occupational health services in the workplace, the armed services and academic institutions in the UK.

## **Gov.UK**

Website: [gov.uk](http://gov.uk)

The government's website has information about disability rights and employment.

## **Legislation**

### **Data Protection Act 1998**

If you handle personal information about individuals, you have a number of legal obligations to protect that information under the Data Protection Act 1998.

The Information Commissioner's Office also has guidance for organisations on handling personal data on their website: [www.ico.gov.uk/for\\_organisations/data\\_protection.aspx](http://www.ico.gov.uk/for_organisations/data_protection.aspx) Equality Act 2010

### **Equality Act 2010**

Website: [legislation.gov.uk](http://legislation.gov.uk)

The Equality Act came into force from October 2010 providing a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination.

### **The Health and Safety Executive (HSE)**

Website: [hse.gov.uk](http://hse.gov.uk)

HSE is the national independent watchdog for work-related health, safety and illness. They are an independent regulator and act in the public interest to reduce work-related death and serious injury across Great Britain's workplaces.

### **The Health and Safety at Work Act 1974**

Website: [hse.gov.uk](http://hse.gov.uk)

The Health and Safety at Work Act 1974, also referred to as HSWA, HSW Act or HASAWA, is the primary piece of legislation covering occupational health and safety in Great Britain. The Health and Safety Executive with local authorities (and other enforcing authorities) is responsible for enforcing the Act and a number of other Acts and Statutory Instruments relevant to the working environment.

## **The Management of Health and Safety at Work Regulations 1999**

Website: [legislation.gov.uk](http://legislation.gov.uk)

The Management of Health and Safety at Work Regulations have been put in place in order that organisations take care of everyone they work in conjunction with – employees, contractors, clients or customers. The aim of the regulations is to reduce damage by assessing all potential risks and to create action plans for emergencies.

## **Workplace (Health, Safety and Welfare) Regulations 1992**

Website: [legislation.gov.uk](http://legislation.gov.uk)

The Workplace (Health, Safety & Welfare) Regulations 1992 cover any premises or part of premises (excluding domestic premises) which are made available to any person as a place of work. They cover a wide range of basic health, safety and welfare issues.

## **Employment Tribunal (ET)**

Open from 9.00am to 5.00pm Monday to Friday.

Enquiry Line: +44(0)-845-7959775

Textphone: +44()-0845-7573722

Website: [justice.gov.uk/tribunals/employment](http://justice.gov.uk/tribunals/employment)

Provides individuals with the opportunity to pursue employment and discrimination complaints against their employer.

## **Employment Appeal Tribunal (EAT)**

Website: [justice.gov.uk/tribunals/employment-appeals](http://justice.gov.uk/tribunals/employment-appeals)

Provides individuals with the opportunity to appeal against Tribunal decisions regarding employment and discrimination complaints against their employer.

## **Equality duty**

Website: [equalityhumanrights.com](http://equalityhumanrights.com)

The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself, and the specific duties which came into law on the 10th September 2011 in England and 6 April in Wales. The general equality duty came into force on 5 April 2011.

## Disability awareness training

### Business Disability Forum

Nutmeg House, 60 Gainsford Street, London, SE1 2NY

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

Textphone: **+44-(0)20-7403-0040**

E-mail: **events@businessdisabilityforum.org.uk**

Business Disability Forum offers a wide range of in-house training courses which can be tailored to an organisation's specific needs. Our organisation has over 20 years of experience and access to an extensive network of disability experts, which can benefit your business.

### Enhance the UK

171, Narbeth Drive, Aylesbury, HP20 1PZ

Telephone: **+44(0)-7930-289-162**

E-mail: **info@enhancetheuk.org**

Website: **enhancetheuk.org**

Enhance the UK - are a user-led charity aiming to educate society about disability and assist those with a disability in playing a full and active role in society. Their aim is to remove the embarrassment of social interaction when working with disabled people by teaching simple hints and tips in a fun interactive learning environment. They provide a range of training targeted to the needs of individual organisations and companies.

## **Royal National Institute of Blind People (RNIB)**

RNIB Access Consultancy Services, PO Box 173, Peterborough, PE2 6WS

Telephone: **+44(0)1733-37-53-70**

E-mail: **accessconsultancy@rnib.org.uk**

Website: **rnib.org.uk**

Royal National Institute of Blind People (RNIB) is the leading charity offering information, support and advice to almost two million people with sight loss. They offer training for customer facing teams to help them to identify and meet the needs of customers with disabilities.

## **Equo Limited**

38 Alexandra Road, Lowestoft, Suffolk, NR32 1PJ

Telephone: **+44(0)845-250-0617**

E-mail: **training@equo.co.uk**

Website: **equo.co.uk**

Equo Limited offers disability awareness training as an online module, with the aim of helping people be more confident in their day-to-day dealings with disabled people.

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