



Workers with Disabilities

Module 2



Health & Safety
Essentials

Registered charity number 207890

What qualifies as a disability?

Since there is no legal duty for employees to declare a disability to an employer unless it affects the health and safety of themselves or others, the employer has a duty to observe the work taken out by all employees and make reasonable enquiries where appropriate. This module will outline how best to identify when an employee is at additional risk and therefore how to identify the point at which to make a reasonable enquiry.

The place to start is the accepted definition that a worker with a disability is 'someone with a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities'.

In this context;

- **'normal day-to-day' means activities carried out in a laboratory every day such as reading, writing, handling chemicals and using apparatus such as pipettes and glassware.**
- **'Long-term' usually means the impairment should have lasted or be expected to last at least a year.**
- **'Substantial' means not minor or trivial, for example, if it takes longer to complete a daily task.**

The key thing is not the actual impairment but its effect on the work of the employee and others. It is often overlooked that impairments such as migraines, dyslexia, asthma and back pain can be considered as a disability if the adverse effect on the individual is substantial and long-term.

Some conditions are automatically considered to be a disability from first diagnosis for the purposes of the Equality Act 2010, such as cancer, HIV, diabetes, epilepsy and multiple sclerosis (MS).

The scope of the definition of people with disabilities is deliberately wide but that does not mean that major changes will be needed.

Typical disabilities and impairments would include:

- **Speech, vision or hearing impairment**
- **Restricted mobility and/or balance**
- **Lifting capacity or dexterity**
- **Diabetes**
- **Epilepsy**
- **Mental health problems**

There will be employees with short term or transient impairments and whilst this may not be technically classified as a disability, the employer may decide that it is reasonable in the circumstances to make a number of changes to remove barriers that prevent normal working. This includes disabling conditions such as broken limbs, hand injuries, or short-term impairments following surgery or medical treatments.

An employer has a legal duty to ensure sensitive and appropriate handling of personal data for all employees, and as such confidential details regarding the individual cannot be disclosed without their explicit consent.