



Workers with Disabilities

Module 1



Health & Safety
Essentials

Registered charity number 207890

Introduction and legal framework

Introduction

In general, the approach to risk assessments for workers with disabilities is to consider the circumstances of the work activity, the workplace and the person. This can be achieved by taking the existing risk assessment and reviewing it with these additional considerations in mind. Depending on each factor, there may not be any need for further alterations to the working environment, but all potential risks must be taken into consideration to ensure a safe working environment for everyone.

The definition of 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'.

This definition includes a wide range of people with differing abilities, sensitivity is required to ensure that everyone is treated fairly and the disability in question is only considered for reasons of health & safety and not used in a way that could be considered discriminatory.

The purpose of assessing the risk, as described in the Equalities Act 2010, is that people with disabilities should not be faced with more barriers or be put at a higher risk than any other employee.

A person with a disability should tell their employer where it will or may affect the way they do the job they have been assigned.

This guide aims to help to: 1) define workers with disabilities; 2) approach a risk assessment with specific attention to workers with disabilities; and 3) identify appropriate control measures to be taken out in case of an extraordinary risk or hazard and to identify and implement and 4) identify and implement reasonable adjustments.

Legal framework

Under current UK health & safety law, the risk assessment process covers any person working with the identified risks. Therefore, there is no legal requirement to take out an additional risk assessment for a worker with a disability. However, depending on the nature of the disability and the nature of the work being carried out, additional considerations should be taken into account during the risk assessment process to ensure appropriate control measures are implemented.

In the risk assessment process, the hazards are identified and then the risks are evaluated based on the question 'who might be harmed and how?' Whilst this stage includes all persons affected by your operation, it is the appropriate point at which to pay particular attention to any person who may be disproportionately affected, to ensure that any control measures implemented are realistic and proportionate to the risk.

Additional risk assessment is not required simply because the employee has a disability and should only be implemented if the work being carried out poses any additional risk to the individual, or if the disability changes the way in which the work needs to be carried out. To do so may be indirect discrimination.

In addition, employees have no legal duty to declare disabilities to an employer unless they affect the health and safety of themselves or others. However, this does not mean that the employer should wait for formal notification before taking action.

