



Ensuring the health and safety of workers with disabilities

Introduction



Drawing by Marina Wirlitsch, European Year of People with Disabilities 2003

People with disabilities should receive equal treatment at work. This includes equality regarding health and safety at work. Health and safety should not be used as an excuse for not employing or not continuing to employ disabled people. In addition, a workplace that is accessible and safe for people with disabilities is also safer and more accessible for all employees, clients and visitors. People with disabilities are covered by both European anti-discrimination legislation and occupational health and safety legislation. This legislation, which the Member States implement in national legislation and arrangements, should be applied to facilitate the employment of people with disabilities, not to exclude them.

Legal requirements

Equal treatment legislation and health and safety legislation take similar approaches and are not in conflict.

Health and safety legislation requires employers to carry out risk assessments and bring in suitable preventive measures. The priorities are to eliminate risks at source and adapt work to workers. In addition to these general requirements that apply to all risks and workers, employers are required to:

- ✓ protect particularly sensitive groups against the dangers which specifically affect them ⁽¹⁾;
- ✓ organise workplaces 'to take account of handicapped [sic] workers, if necessary. This provision applies in particular to doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped [sic] persons' ⁽²⁾;
- ✓ make available work equipment that is suitable for the work and may be used by workers without impairment to their safety and health. Ergonomic principles must be taken fully into account when applying minimum health and safety requirements ⁽³⁾.

Anti-discrimination legislation can also require adaptations to work and the workplace resources ⁽⁴⁾. Employers are required to provide:

- ✓ reasonable accommodation for people with disabilities, to enable them to have access to, participate in, or advance in employment or undergo training;
- ✓ effective and practical measures to adapt the workplace to the disability, such as adapting premises and equipment, patterns of working time, the distribution of tasks or the provision of training or integration resources.

A **risk assessment** means a careful examination of what, at work, could cause harm to people, in order to judge whether precautions are sufficient or if more should be done to prevent harm. The aim is to make sure that no one gets hurt or becomes ill. A risk assessment involves identifying the hazards present and then evaluating the extent of the risks involved, taking into account existing precautions. The results are used to choose the most appropriate prevention measures.

Any risk assessment at the workplace should cover:

- ✓ the task, for example the design of the job, work activities;
- ✓ the individual, for example any specific needs with respect to disability;
- ✓ work equipment, for example assistive technologies, whether workstations and equipment are adjusted to individual requirements;
- ✓ the work environment, for example the layout of premises, lighting, heating, access, exiting;
- ✓ work organisation, for example how work is organised and schedules;
- ✓ physical hazards, such as dangerous substances; for example, asthma sufferers may be more sensitive to chemicals used at work;
- ✓ psychosocial hazards such as stress or bullying; for example, disability may be used as an excuse for bullying;
- ✓ information and training needs, for example providing safety information and training in different mediums;
- ✓ involvement of employees and worker representatives, including consulting them about the risks and prevention measures.

Disability-sensitive risk assessment and coordination with anti-discrimination actions

Remember! Aim to comply with health and safety duties and avoid discrimination at the same time. Making it possible for

⁽¹⁾ Council Directive 89/391/EEC on the introduction of measures to encourage improvements in safety and health at work.

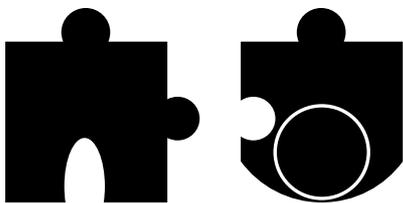
⁽²⁾ Council Directive 89/654/EEC on the minimum safety and health requirements for the workplace.

⁽³⁾ Council Directive 89/655/EEC on the minimum safety and health requirements for the use of work equipment by workers at work.

⁽⁴⁾ Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

disabled workers to do the job safely and providing health and safety measures such as training or special equipment that are accessible to disabled workers is usually a requirement of both health and safety legislation and anti-discrimination legislation. Genuine conflicts, where complying with one makes it impossible to comply with the other, are rare.

The process of providing measures for disabled workers needs to be coordinated with all parts of safety management, and particularly risk assessment (see box) in order for employers to meet their duties under health and safety and anti-discrimination legislation. All stages of the risk management process need to take account of anti-discrimination approaches so that work environments, work equipment and work organisation are changed or adapted where necessary to ensure that risks and discrimination are removed or at least minimised.



Drawing by Marie Schimatovich, European Year of People with Disabilities 2003

Risk assessment: General, or generic, risk assessments may also need to take account of individual workers' differences. It is important neither to assume that all workers are the same nor to make assumptions about health and safety risks associated with a particular disability. For example:

- ✓ identify groups of workers who might be at greater risk; and
- ✓ make a specific assessment of the risks to them, taking account of both the nature and extent of the disability and the working environment;
- ✓ take account of people's abilities when planning work — disabled workers often have special skills, which should not be lost because of poorly adapted working conditions;
- ✓ consult the individuals concerned during the risk assessment process;
- ✓ seek advice as necessary. This may be provided by occupational safety and health (OSH) services and authorities, health professionals, safety professionals and ergonomists, disability employment services or disability organisations.

A sensible approach that employers may wish to adopt is, firstly, to look at what measures are required under anti-discrimination legislation. Then consider what, if any, additional measures are needed to meet health and safety requirements.

Prevention: The guiding principle for prevention is to fit the job to the worker, and not the worker to the job. Preventive measures may include: changes to the job, working hours, equipment, instructions, environment, procedures, etc.; assistive technology; and training. The employer should discuss the measures with the disabled person, as the individual is usually the best person to identify what is needed.

Coordination: Those with safety roles, for example the safety officers, and those responsible for equality issues, such as personnel officers, should coordinate their activities to ensure that both aspects are carefully taken into account. Workplace policies or action plans on disability should include health and

safety, and the needs of disabled workers should be included in workplace health promotion initiatives.

Sometimes disabled workers are taken on through specialist disability employment services. The service and the employer should include health and safety at the outset of planning and measures should be reviewed once the disabled person has started work. For example, employers should provide employment support organisations with a copy of their risk assessment. Specialist organisations can often provide information, training and services on suitable measures. Information about risk assessments in 'sheltered' workshops is given in the frequently asked questions (FAQ) section on the disability web feature (see further information).

When does discrimination occur?

The framework directive on equal treatment in employment bans discrimination in employment, both direct and indirect, on grounds of disability:

- ✓ direct discrimination is where a person is treated less favourably than another is, has been or would be in a comparable situation on the grounds of disability;
- ✓ indirect discrimination is where an apparently neutral provision, criterion or practice would put persons having a particular disability at a disadvantage compared to other persons.

Health and safety measures, designed to protect people from harm, should not be used in a discriminatory way to exclude disabled people from the workplace or treat them less favourably: for example, claiming that a worker in a wheelchair cannot escape from a building in an emergency or that a hearing impaired worker cannot respond to a fire alarm. If health and safety is given as a reason, employers need to show, by means of an adequate risk assessment and competent advice, for example from a specialist disabilities organisation, that there is a genuine problem that cannot be overcome by taking measures to accommodate the disabled person, such as transfer to another job. Where a disabled worker is found to face a particular risk, it should not be assumed that this applies to all those with the disability or used to set automatic restrictions regarding their work.

Tips for providing reasonable accommodation and a safe workplace for disabled workers

Accessibility does not just refer to access to buildings. At work, accessibility refers to the ease with which employees can use the premises, allowing them to be as independent as possible. This applies to all disabilities, including mobility, learning, visual or hearing impairments. Many measures that are basic and inexpensive can make a significant difference.

Remember! The needs of disabled workers should be considered at the design and planning stage, rather than waiting for a disabled worker to be employed and then having to make changes. For example, when a new alarm system is installed, then a visual as well as an audible system should automatically be used.

Measures to consider include:

Working environment

- ✓ adjusting premises or workstations, for example ramps; lifts; light switches; steps edged in light paint; tactile warning strips at the top of stairs; audio or warning sounds; automatic opening devices on heavy doors; door handles, bells, entry devices reachable by wheelchair users and locatable by the visually impaired; non-slip, smooth flooring;
- ✓ assigning the person to a different work area, for example ground floor, work room with more access or home;
- ✓ acquiring or modifying equipment, for example Braille keyboard, hands-free phone;
- ✓ modifying instructions or reference manuals, for example visual, pictorial instructions;
- ✓ providing a reader or interpreter, for example providing a text-phone (minicom) for a deaf person and booking a sign language interpreter for particular meetings or occasions;
- ✓ installing voice recognition software on a computer for someone who has a musculoskeletal upper limb disorder from work, or has a visual impairment; providing zoomtext, notes on disk, e-mail or audio-cassette for someone with a visual impairment;
- ✓ ensuring good lighting for the visually impaired and lip readers.

Signposting

- ✓ considering how to help people to move around in the building and get to the place they want to get to;
- ✓ considering things that can be done which will help a visually impaired person find their way around (e.g. colour contrasts in furniture, carpets, walls and doorways or indents in the floor covering);
- ✓ providing notices in large clear print so that people who are partially sighted can see them clearly;
- ✓ providing Braille, tactile and large print signs by door handles;
- ✓ providing graphics and pictures, as signs may be easier for people with learning disabilities;
- ✓ giving signs a matt finish to avoid reflection. Lettering should contrast with the background for easier reading.

Communication

- ✓ providing all health and safety information in accessible formats. This includes written materials and other ways of communicating, and accessibility for workers with visual or hearing impairments, dyslexia, learning difficulties or psychiatric disorders.

Work organisation and duties

- ✓ allocating some of the disabled person's duties to another person, for example driving;
- ✓ transferring the worker to a more suitable post.

Working hours

- ✓ altering working hours, including to part time if appropriate, for example to enable the disabled person to travel outside rush hours;

- ✓ allowing absence for rehabilitation, assessment or treatment;
- ✓ organising a phased return to work.

Training and supervision

- ✓ taking measures to ensure that a disabled person is not disadvantaged in regard to health and safety training, instruction and information, for example by:
 - ✓ altering the time or location of training;
 - ✓ providing course materials and information in a different medium;
 - ✓ providing a reader or interpreter;
 - ✓ providing individual, tailored training;
 - ✓ ensuring written materials are in simple language, which will make them more accessible to everyone;
- ✓ ensuring that supported employment programmes address OSH training needs when the placement is being planned;
- ✓ providing any specific, additional OSH training that disabled workers may need in relation to their work or specific equipment they have to use;
- ✓ providing managers and staff with any specific information and training they need in how to support a worker with a disability. Training will be needed for those with a role to support the evacuation of disabled workers in an emergency, including in the use of any special evacuation equipment. Those with equality responsibilities need OSH training relevant to their role.

Promotion and transfer

- ✓ ensuring promotion or transfer is open to all suitable employees in terms of working ability and experience;
- ✓ modifying procedures for testing or assessment;
- ✓ when promoting or transferring, arranging for the disabled person to visit the prospective new workplace to consider whether the change might create any special needs.



Courtesy of Lantegi Batuak (www.lantegi.com)

Emergency procedures

Remember! Many measures to improve workplace accessibility will also facilitate evacuation.

- ✓ Is there a need to **locate** disabled workers to parts of the building where they can leave the building more easily?
- ✓ Is any **special equipment** needed, such as an evacuation chair? Make a trial of equipment before purchase, give training in its use and ensure it is maintained, and checked at the same time as other emergency response equipment.
- ✓ Are **storage areas** provided with necessary evacuation equipment? Are they easy to access?

- ✓ In the event of emergencies, are **specific members of staff designated** to alert and assist employees with visual impairments or others who have mobility problems (evacuation assistants)?
- ✓ Are lighted fire strobes and other **visual or vibrating alerting devices** provided to supplement audible alarms? Are visual alarms installed in all areas, including in toilet facilities?
- ✓ Do routes and procedures **take account of the potentially slower movement** of people with disabilities?
- ✓ Are all disabled people familiar with escape routes and provided with **instructions and training** in safety procedures? Distribute emergency procedures in Braille, large print, text file, and cassette tape formats.
- ✓ Have fire officers and evacuation assistants received **training**? Training areas include: evacuation techniques to use, particularly how to carry or assist individuals who use mobility aids; the use of any special evacuation equipment; and training in basic sign language to effectively communicate with individuals who are deaf, and the instructions for individuals who use assistance animals.
- ✓ Are **areas of rescue and locations** that are safe from immediate danger established?
- ✓ Is **advice obtained** where necessary? Consult local fire, police, and rescue departments periodically about issues such as whether people with disabilities should remain in their workplaces, assemble in an area of refuge to await the arrival of rescue workers, or immediately evacuate. Consult specialist disability organisations for specific advice.
- ✓ Are arrangements for people with disabilities included in the **written evacuation procedures**?
- ✓ Are **arrangements periodically reviewed**?
- ✓ Are employees encouraged to **make a list** of medications, allergies, special equipment, names, addresses and telephone numbers of doctors, pharmacies, family members and friends, and any other important information?
- ✓ Is there a **supply kit** available with suitable gloves (which are used to protect individuals' hands from debris when pushing their manual wheelchairs), patch kits to repair flat tyres, and extra batteries for those who use motorised wheelchairs or scooters?

Consulting workers

Consultation with workers and their representatives over health and safety is a legal requirement. Their participation is also

fundamental to effective risk prevention, as they have knowledge and experience of the work situation, providing employers with a 'reality check'. Therefore, consultation with worker safety representatives and disabled workers is an important part of ensuring that health and safety issues for disabled workers are identified and prevented. If employers, or worker safety representatives, take steps without consulting disabled workers themselves, they may miss important information and disabled workers may have different, but relevant experiences to take into account.

For the same reasons, disabled people and worker representatives should be involved in the process of ensuring 'reasonable accommodation' for disabled workers such as planning work, work environments, emergency procedures, etc. and the purchase and use of any special equipment.

Equalities training

Discrimination may not be intentional. It can take place due to lack of understanding or ignorance as well as prejudice. Therefore, disability equality training is advisable for line managers, all those with health and safety responsibilities, health and safety professionals, worker representatives and anyone involved in risk assessment and safety committees. Comprehensive equality training, covering the need for organisations to embrace diversity throughout all their policies and practices, should include health and safety.

Further information

The Agency's website has a section devoted to workplace safety and health issues relating to the integration and retention of people with disabilities in employment. It provides links to guidelines, advice, practical case studies from the workplace level, details of programmes and strategies in this area and policy discussion documents. There are links to Member State, European and worldwide resources, and frequently asked questions that provide more information:

http://europe.osha.eu.int/good_practice/person/disability/

The European Commission's disability issues web page is at http://europa.eu.int/comm/employment_social/disability/index_en.html



Courtesy of Lantegi Batuk
(www.lantegi.com)



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European Agency for Safety and Health at Work
 Gran Vía, 33, E-48009 Bilbao
 Tel. (34) 944 79 43 60, fax (34) 944 79 43 83
 E-mail: information@osha.eu.int