

Disabilities - Legal Responsibilities

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Your Speakers



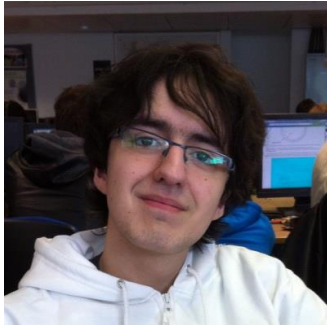
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Introduction



It's an unfortunate truth that many of the best minds in the world are impaired by disabilities.

- 19% of the UK's working age population are classified as disabled. [1]
- Over 10 million people in the UK have a disability. [2]

It's important to understand disabilities and maintain equality in the workplace so the science gets done.

Definition of Terms

Disability

- **Oxford Dictionary** - *Lack of ability (to discharge any office or function); inability, incapacity; weakness. [3]*
- **Equality Act 2010** - *if you have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do ‘normal day-to-day’ activities.[4]*

Accessibility

- **Oxford Dictionary** - *The quality or condition of being accessible (in various senses) [5]*
- **Wikipedia** - *The degree to which a product, device, service, or environment is available to as many people as possible. (in various senses) [6]*

What is covered?

Examples of recognised disabilities that The Equality Act 2010 applies to:

Physical

- Cerebral palsy
- Spinal cord injury
- Amputation
- Multiple sclerosis
- Spina bifida
- Musculoskeletal injuries
- Arthritis
- Muscular dystrophy

Mental

- Anxiety disorder
- Bi-polar disorder
- Depression
- Post-traumatic stress disorder
- Schizophrenia
- Adjustment disorder

Exclusions

Impairments

- Pyromania
- Kleptomania
- Compulsive gambling
- Current illegal use of drugs
- Certain sexual disorders [4]

Traits

- Poor judgement
- Chronic lateness
- Irritability
- Inability to get along with supervisors or co-workers

Why should we care?

Disability in the work place is more common than some people might realise.

- 19% of the adult workforce in the UK have some sort of disability. [1]
- This is a significant amount of the population, and to ignore their needs would be irresponsible and ethically questionable.
- Imagine if it were you with the disability.



Legal Obligations Overview

- It is discrimination for an employer, or someone acting on behalf of the employer, to treat an employee unfavourably because of something connected with a disability. [7]
- The discrimination is unlawful if the disability is known or reasonably expected to be known.
- Reasonable adjustments to both jobs and work environments should be made to cater for a disabled person.

Reasonable Adjustments

The Disability Discrimination Act 1995 states “reasonable adjustments” should be made to better suit the work environment and job description to disabled employees.

[8]

This could include:

- Installing wheelchair ramps/lifts where there are steps
- Printing paper media in larger fonts and braille options
- Allowing extra time off for treatment

Obviously, this is a non-exhaustive list.



Data Protection

As with any other personal data governable by the Data Protection Act 1998:

- It is illegal to reveal any information about the physical or mental health condition of an employee without prior, explicit consent.
- Appropriate measures must be taken to ensure confidentiality of recorded personal data. [9]

Health and Safety Responsibility

“Employers have a general duty to take reasonably practicable measures to protect workers, and those affected by their work activities, from the risk of injury or harm at work. They must also provide workers with the information, instruction, training and supervision required to ensure their health, safety and welfare at work.” [7]

Not only do employers have a responsibility, but employees must cooperate as well.

Risk Assessment

Risk assessment is examining possible event which could harm people and see how these risks can be reduced or how they can be managed properly.

1. Identify the hazards
2. Decide who might be harmed and how
3. Evaluate the risks and the precautions
4. Record the findings and act on them
5. Review the assessment and update if necessary [10]

Adaptations relevant to IT practitioners

Dell [11]

- Employee resource groups
 - True Ability
- Disability Coverage
- Have to follow certain rules specific to IT companies, such as the Section 508 in America for access and use of IT
- Websites have to be accessible by all people with disabilities according to the Equality Act 2010 [12]

IBM [13]

- Visual
- Hearing
- Mobility
- Cognitive

Examples of Court Cases Against Employers

Some of the few examples where this has come up: [14]

- Verizon Communications pays \$20 million dollars
- Stroke patient awarded £400,000 in disability discrimination



Conclusions

The disabled person

We have laws to protect the disabled from discrimination.

- Have the same treatment with normal people.
- Adjust the working or living environments.
- Keep health conditions secret.

The able-bodied person

We have laws and guidelines to prevent them from injury during work.

- Provide enough information about the work.
- Training and Supervision.
- Evaluate the risk in the work and make sure employees know it.

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