

Health and Safety Commission Paper		HSC/07/15	
Meeting Date:	9 January 2007	Open Gov. Status:	Open
Type of Paper:	Below the line	Paper File Ref:	
Exemptions:	None		

## HEALTH AND SAFETY COMMISSION

### A DRC/HSC joint statement on health and safety risk management and disability

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Cleared by DCE / Board Member: Jonathan Rees on 12 December 2006

#### Issue

1. To agree the joint Disability Rights Commission (DRC) and HSC statement of overarching principles on health and safety risk management and disability.

#### Timing

2. Routine.

#### Recommendation

3. That the Commission endorses the statement attached to this paper.

#### Background

4. Both DRC and HSC/E have long been concerned about the use of health and safety requirements as a false excuse for not employing sick or disabled people. Findings from jointly commissioned research into the problem were reported as long ago as 2003.
5. The research highlighted that health and safety *is* frequently used as the rationale for non-recruitment or dismissal of disabled people. The results helped inform the development of the DRC's 2004 Code of Practice for Employment and HSE's "Managing sickness absence & return to work" guidance. While both of these were useful, it was recognised more work was needed to address the underlying issues.
6. In 2005 the DRC approached HSE for further partnership work. To date, this has involved a series of workshops, identifying the specific needs of disabled people and health and safety practitioners in respect of risk management and disability. These fed into the development of the joint statement of overarching principles.

#### Argument

7. The joint statement has regard to the 'sensible risk management' principles. It provides a basis for further work on specific and practical guidance for employers, risk

assessors and disabled people. This work, now underway, is a 2007 priority action in the Disability Equality Scheme (HSC/06/91), which the Commission recently agreed.

### **Consultation**

8. The statement has been produced through joint work that has involved Dr Kevin Fitzpatrick, DRC Commissioner, Bob Niven, DRC Chief Executive, Sayeed Khan, HSC Commissioner and HSE staff, including the Chair of "equal" (HSE's staff disability network). Hugh Robertson, HSC Commissioner, has also seen several drafts.

### **Presentation**

9. We will work with the DRC to produce a joint press release to promote the statement, which will also be placed on the organisations' websites. We will inform HSE staff through the intranet, through HSE's internal magazine Express and its weekly electronic companion e-express, and through partnership work with "equal".

10. The risk assessment guidance, planned for publication later in 2007, will need greater promotion, for instance through a joint DRC/HSC launch.

### **Costs and Benefits**

11. The costs incurred in the production of the statement of principles and guidance are borne by both the HSE (see below) and DRC. The DRC has been the principal sponsor, first by funding the workshops and lately by financing a team of specialists to draft the risk assessment guidance. HSE is part of this team.

12. The main benefits will be to demonstrate HSC/E's commitment to tackling the use of health and safety as a false excuse to discriminate against disabled people, and strengthening our partnership with the DRC.

### **Financial/Resource Implications for HSE**

13. The estimated cost for HSE's involvement in the production of the statement is £5,000 for staff time.

14. Estimated costs for the development and promotion of the risk assessment guidance are £16,000 comprising £11,000 of staff time and £5,000 for publicity and event management when launching the web resource.

### **Action / Next Steps**

The Commission is invited to endorse the joint DRC/HSC statement of overarching principles.