

## **G26 APPENDIX 1 EMPLOYEES WITH DISABILITIES OR ILL HEALTH**

### **TYPICAL GROUPS**

Newly appointed employees with a pre-existing disability  
Employees who develop a disability during their employment  
Employees with medical conditions short of a disability  
Employees returning to work following sickness absence

### **CHECKLIST**

The risks to employees with disabilities or medical conditions must be identified and measures put in place to eliminate or adequately control those risks. The following are the trigger points for these risk assessments:

- prior to new employees beginning work
- prior to return from sickness absence where sickness or injury has resulted in long term or short term impairment or disability
- when any disabilities or conditions become known

'Blanket' policies such as banning the employment of people with conditions such as epilepsy or diabetes from certain occupations or activities without regard for personal circumstances are likely to be unlawful under the Equality Act 2010. Health and safety should not be used as a quick excuse to avoid employing or retaining a person with a disability.

Health and safety considerations take priority over disability discrimination issues where a risk assessment indicates the risks to health and safety for both the individual and others cannot be adequately controlled. If health and safety is used as a justification for discrimination, the risks must be substantial and not based on assumptions or prejudice.

### **EMPLOYEES RETURNING FROM SICKNESS ABSENCE - RECOMMENDED APPROACH**

This sensitive issue should be handled at the appropriate management level and with the involvement of the employee. The Employee Support and Counselling Service could also be involved, subject to the employee's agreement.

An assessment of possible risk should be made before the employee returns to work, e.g. if there have been any changes that may affect the employee's ability to carry out their duties safely. (This need not necessarily be within the scope of the Equality Act.) For example, this could result from injury, stress-related illness, violence at work, degenerative illness, Repetitive Strain Injury etc.

A return to work discussion is recommended following any period of sickness absence, taking a counselling approach (see document [Absence Management Policy](#)). Such a discussion could include:

- the nature of the illness and any consequences for the employee's return to work

- any concerns the employee had about normal work activity, use of equipment or working hours
- any workplace concerns

If the return to work discussion has highlighted new requirements or concerns, a risk assessment should be carried out to determine what action is needed.

A “re-introduction to work” programme is advisable where an employee has been absent for more than a month. This may also be necessary for shorter periods of sickness absence where the risk assessment or return to work discussion has identified particular areas of concern. (See section below on arrangements that could be considered.)

## **EMPLOYEES WITH OR DEVELOPING DISABILITIES AT WORK – RECOMMENDED APPROACH**

See document [Supporting Disabled Employees in the Workplace](#).

## **ARRANGEMENTS FOR EMPLOYEES WITH DISABILITIES AND/OR ILL-HEALTH**

Some areas to consider are:

- If the GP recommends a phased return of more than 4 weeks the manager should consider whether this can be accommodated and paid on full pay. Options to consider are the use of annual leave, flexi time, time off in lieu and disability leave (if applicable) to extend the normal 4 week phased return. (see document [G10.12 Rehabilitation Following Long Term Ill-Health](#))
- reduced or changed hours on a permanent or semi-permanent basis
- changes in working practices, such as the tasks involved or consideration of workload
- acquiring or modifying equipment
- making adjustments to premises
- assigning to a different place of work
- car parking arrangements
- access/egress routes
- undertaking a Personal Emergency Evacuation plan (PEEP) (See [G5 Fire policy](#) for more guidance on this process)
- accessibility of toilet and welfare arrangements
- workstation design (e.g. seating arrangements)
- restricting or re-organising duties to avoid or provide assistance with tasks that create problems (e.g. lifting, carrying, reaching)
- explaining systems which have been introduced during the period of sickness absence, such as new information technology, new evacuation procedures
- information to colleagues/First Aiders regarding any particular action to take in an emergency (This should be with the permission of the individual concerned)

## **MEDICAL ADVICE**

Advice on whether employees are medically suitable for their work is available from the County Council's occupational health service providers. They can also give advice on whether adjustments could be made to the duties of a post or the working environment. The procedures for requesting this are:

- the pre-employment health clearance procedure for new employees (see [document G10.4](#))
- the management referral procedure for existing employees (see [document G10.5](#))