

Supply teachers

Any organisation employing 15 or more people has duties under the DDA, whether the employee is on a temporary, part-time or short-term contract. This threshold includes all staff, teaching and non-teaching. For staff working in schools and employed by the local authority, all schools are covered regardless of their size.

Advice and support

For additional advice and support, contact your NASUWT Local Association or Northern Ireland Centre.

Contact details can be found:

- on the NASUWT website at www.nasuwt.org.uk;
- in the NASUWT diary or by phoning 028 9078 4480.

Further information

The Equality Commission for Northern Ireland
Telephone: 028 90 500 600

Textphone: 028 90 500 589

Enquiry Line: 028 90 890 890

Fax: 028 90 248 687

E-mail: information@equalityni.org

Website: www.equalityni.org

NASUWT
The Teachers' Union
NORTHERN IRELAND

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Tel: 028 9078 4480

E-mail: rc-nireland@mail.nasuwt.org.uk

Website: www.nasuwt.org.uk

disability

health&safety
at work

The largest teachers' union in Northern Ireland

This leaflet provides essential information and advice on disability-related health and safety issues.

The definition of a disability

The Disability Discrimination Act 1995 (DDA) defines a disabled person as anyone 'with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'.

It further defines a long-term effect as 'one which has lasted for at least 12 months'.

Declaring a disability

An employee is not obliged to declare their disability to an employer or prospective employer, but the employer will not be able to make 'reasonable adjustments' if a disability is not declared. It is, therefore, in the teacher's own interests to make sure that the employer is aware of their disability.

An employer must not, in law, use any such information to discriminate against the employee.

Reasonable adjustments

There are no clear-cut rules about what constitutes a reasonable adjustment because for each employee requiring adjustments, the circumstances surrounding their disability and the context of their work is unique.

If agreement cannot be reached about whether a requested adjustment is 'reasonable', a complaint against the employer would need to be brought to an employment tribunal under the DDA.

Advice should be taken from the NASUWT before taking this action.

The legal position

The DDA gives disabled workers protection against discrimination at work. These provisions were further strengthened by the establishment in April 2000 of the Disability Rights Commission (DRC). The Equality Commission for Northern Ireland has the power to conduct investigations, issue codes of practice and conciliate disputes.

Additionally, provisions for access can be found in health and safety legislation, most notably the Health and Safety at Work (Northern Ireland) Order 1978 (HASAW) and the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (MHSWR). Under these Regulations, an employer must carry out risk assessments and identify any group of employees who are particularly at risk. This group will, where they are present, include employees with a disability.

Having identified any risks, the employer must take reasonable steps to remove or reduce the risk. The employer must also establish appropriate procedures to be taken in the case of an emergency. Thus an employer of a person with a disability must include procedures for their safe evacuation.

Any risk assessment process carried out under the Management of HASAW Regulations should take into account the specific safety requirements of disabled people whose particular needs must also be considered when drawing up school health and safety policies. It also must be remembered that the Regulations require work to be suited to the individual and not the other way around.

New disability duties on public authorities came into force on 1 January 2007 under the Disability Discrimination (NI) Order (DDO) 2006.

These require public authorities to develop disability action plans which set out how they will promote positive attitudes towards disabled people and encourage the participation of disabled people in public life.

The Regulations

Employers should consider whether employment arrangements or any physical feature of the workplace are putting disabled people at a substantial disadvantage. They should then make any necessary and reasonable adjustments. These might include:

- alteration of premises;
- acquiring or modifying equipment, including workstations;
- providing training;
- making information more accessible;
- the installation of induction loop systems for those hard of hearing;
- the reallocation of timetable and/or classroom;
- the provision of designated parking facilities;
- the provision of accessible and suitable toilet facilities.

Timing of adjustments

Adjustments should be made by an employer when they become aware of an employee's disability. This may be at the recruitment stage or during employment, including where working conditions or job requirements are modified. Adjustments should include arrangements for an interview, induction arrangements, terms and conditions of employment, promotion, transfers, dismissal, training and any benefits provided to staff.