Toolbox Talk:

Fairness Inclusion and Respect: Health, Work and Wellbeing

Prepare: Location? Distractions? Talk aids?

Reason:

- Awareness of the legal responsibilities of employers and employees (Equality Act 2010) regarding disability and health.
- Awareness of common health problems and supportive behaviours and actions to promote wellbeing at work.

Why: There is a higher risk of occupational disability within construction than in many other industries. This means that where someone who is either injured at work or develops a health issue that impacts on their ability to undertake their full role, the company have a duty to make reasonable adjustments to accommodate the change. Therefore when people with a disability return to the workplace, it is important to understand the legal framework which protects disabled workers as well as the actions and behaviours which support an inclusive, healthy and productive workplace.

Outline: The talk will cover:

- The Equality Act 2010 and Disability
- Common health problems and the link between health and wellbeing and work

Scope of the Equality Act 2010 – Disability

1. Everyone in the company has legal duties regarding disability under the legislation.
2. Everyone in the company is protected by the Equality Act 2010.
3. Other provision under health and safety legislation sets out duties to control work related health risks.

Q. Who has responsibility for your health and wellbeing at work?

General Provisions of the Equality Act for Disabled People

1. A person has a disability if they have 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.
2. Disabled people at work are protected from discrimination. This means that employers must not treat a disabled person less favourably because of a reason relating to their disability, without a justifiable reason.
3. Employers are required to make reasonable adjustments to working conditions or the workplace where that would help to accommodate a particular disabled person.

4. The Act includes a new protection from discrimination arising from disability. It is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia) or discrimination by association e.g. if someone has caring responsibilities for a disabled person.

One in five people in the UK has a disability

Q. Can you give any examples of disabilities covered by the Equality Act?

Q. Can you give examples of reasonable adjustments which could be made?

Health and Wellbeing at Work

Connection between health and work:

- The connection between physical hazards such as noise, dust and chemical hazards and health are well recognised amongst employers and employees alike. Less well understood is the relationship between mental and physical wellbeing and the jobs we do.
- Over 2 million people report suffering an illness they believe has been caused or made worse by their work.
- This can take the form of stress, anxiety, back pain, depression and increased risk of coronary heart disease.

Mental Health

Every year, three in ten employees experience mental health problems.

By 2020, depression will rank second to heart disease as the leading cause of disability worldwide.

Mental Health can affect anyone regardless of their age, gender, ethnicity or social group. The most common forms of mental ill health are anxiety, depression, phobic anxiety disorders and obsessive compulsive disorders.

It is classed as a disability under the Equality Act 2010 which makes it unlawful for an employer to treat a disabled person less favourably without a justifiable reason.

Q. What can be done to manage mental health?

Stress

1. The Health and Safety Executive (HSE) define stress as “the adverse reaction people have to excessive pressures or other types of demand placed on them.”
2. Stress has been associated with:
   - Anxiety and depression
   - Heart disease
   - Back pain
   - Gastrointestinal illnesses
3. Health and safety law expects an employer to assess and take measures to control risks from work-related stress.
4. Employees have responsibilities to talk to their managers about any factors outside the workplace which can turn the otherwise normal pressures of work into excessive ones.
5. In construction, stress could be caused by many triggers, especially the time constraints of projects and the need to ‘get the job done’. It could lead to you feeling more angry or being more tired.
6. Stress and time pressures could also lead to you taking more risks with your long term health e.g. a two minute job which may release silica dust and therefore require you to wear a face mask, can easily turn into a 15 minute job if you have to go to the store to collect the necessary PPE.

Q. What is stress and who is responsible for managing it in the workplace?

Other issues that can affect health and wellbeing at work

1. Drug and alcohol abuse – companies should have clear guidelines on this.
2. Hazardous substances – The Health and Safety Executive produces guidance on how to manage hazards posed by chemical and dangerous substances.
3. Bullying and harassment – Can severely damage health and wellbeing. Companies should have clear guidelines on this. Harassment is unlawful under the Equality Act 2010.

Q. What other issues can affect your health and wellbeing at work?