



Freeneys Williams

## **Freeneys Williams Ltd.**

<http://www.freeneyswilliams.com>

### **The Disability and Equality Agenda e-bulletin – June 2009**

For information about how Freeneys Williams Ltd can help your organisation achieve the disability and equality agenda please contact

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#### **1. Equality Bill 2009**

The Equality Bill 2009, published in April, is the Government's attempt to consolidate all the nation's discrimination legislation. Given that we are looking at 40 years' worth of piecemeal legislation that is a significant undertaking. But, not content with that, the government hopes to push through a number of reforms. For a comprehensive legal Q & A about the Bill and its implications for employers click:

<http://www.personneltoday.com/articles/2009/05/05/50545/equality-bill-2009-legal-qa.html>

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## **2. Ruling on “hidden disabilities”**

Employers should make further inquiries about an employee's "hidden" disability when they have been informed that the employee in question is suffering from a potential impairment and not rely on the “ignorance is bliss” approach, a tribunal has ruled. For the full story click:

[http://www.freshbusinessstinking.com/business\\_advice.php?CID=&AID=2392&PGID=1](http://www.freshbusinessstinking.com/business_advice.php?CID=&AID=2392&PGID=1)

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## **3. Employment Appeal Tribunal decides in favour of policeman**

Mr Adams was appointed as a probationary constable in November 2005. In December 2006 he was diagnosed with possible fibromyalgia. He worked a shift system including nights. By early February he was struggling to complete night shifts and was eventually dismissed in February 2008. Mr Adams claimed disability discrimination was won his case. On appeal to the EAT the Chief Constable claimed that the tribunal should have found that Adams was not carrying out normal day-to-day activities when on night shift. The EAT’s decision is at:

<http://www.personneltoday.com/articles/2009/05/05/50528/disability-ruling-dumfries.html>

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## **4. Ratification of UN Convention on Disability**

On 8 June the United Kingdom ratified the United Nations Convention on Disability Rights.

The Convention is a powerful and explicit statement that disabled people have the same human rights as others.

Jonathan Shaw, the Minister for Disabled People, identified the ratification as ‘further demonstration of the Government’s commitment to equality of human rights for disabled people, and of our determination to achieve equality by 2025.’

The ODI will now be working across Government and the Devolved Administrations to ensure the principles of the Convention are reflected in the development of government policies.

The Minister’s statement announcing ratification can be found in the [UN Convention section of the ODI website](#).

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## 5. Absence management

Employers that don't monitor or manage employee absence not only risk a loss of productivity, but may also fail to spot unhappy or unwell staff. Virginia Matthews reports on what they can learn from those that tackle this issue well. Click:

<http://www.personneltoday.com/articles/2009/05/12/50638/absence-management-out-of-sight-out-of-mind.html>

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## 6. Please help with groundbreaking research

On behalf of RADAR, we are asking for your support with publicising amongst your contacts some groundbreaking research. It is looking at factors affecting the ability of people with ill health, injury and disability to thrive and progress at work - individual strategies and aspects of the work environment.

Please publicise it as widely as you can - we don't want to reach only people known to have a disability - many people affected by ill-health, injury or disability are reluctant to disclose this at work. We would be very grateful if you were able to pass on this request to any relevant contacts you may have.

Visit [www.radar.org.uk/research](http://www.radar.org.uk/research) for more information, including the outputs of the research, the confidentiality commitment, etc. The questionnaire can be accessed directly via <http://tinyurl.com/qhw3uc>.

You can also contact Mike Smith on 020 7488 1751 or [mikedgsmith@gmail.com](mailto:mikedgsmith@gmail.com) for further information, including draft text for you to send to your contacts.

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## 7. Fit notes - the new sick notes

The Department for Work and Pensions has today published further details of its proposal to replace GP sick notes with 'fit notes' with effect from April 2010 and has launched a public consultation on the design and content of the new medical certificate. The Government intends that the new format notes will include an option to allow a GP to indicate that an employee "may be fit for some work now". The idea is that this will help inform discussions between individuals and their employers about whether there are any changes to the work environment or role which could aid an earlier return to work. The new regime is aimed at reducing sickness absence and supporting people with health conditions to stay in or return to work. Its success will depend, to a large extent, on how well GPs adapt to using the form. To this end, the Government announced last year that a national training programme was being designed to improve GPs' knowledge, skills and confidence when dealing with health and work issues and to enable them to adapt the advice they give to help people stay in or return to work. There is no mention of that initiative in today's consultation paper, however, which simply says that "[t]he Government will provide guidance for doctors, patients and employers to ensure they are fully aware of how to complete and/or interpret the new medical statement

in order to ensure it meets the stated objectives." And although a GP who states that an individual "may be fit for some work" will have to give reasons for that advice, the consultation paper states that GPs will not be expected to provide anything more than generic advice ie general details of the functional effect of the individual's condition. Nevertheless, the draft of the new medical certificate does give doctors the option to indicate where their patient may benefit from common types of changes such as:

- a phased return to work
- altered hours
- amended duties
- workplace adaptations.

Employers will need to look carefully at how they manage sickness absence. Those with carefully considered return-to-work programmes will be better placed to benefit from the new regime. In contrast, employers who fail to engage with the new approach could find themselves at an increased risk of disability discrimination claims. This is because a new style report might highlight changes that an employer could make to the employee's duties or workplace that would help them return to work sooner. A failure to consider such suggestions seriously could well result in a tribunal finding that the employer has failed in its duty to make reasonable adjustments under the Disability Discrimination Act 1995.

[View consultation paper](#)

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## **8. The high cost of autism**

The annual costs of autism spectrum disorder in Britain are more than \$42 billion a year, researchers estimate. For more information click:

[http://www.upi.com/Health\\_News/2009/05/22/Autism-in-Britain-costs-about-43-billion/UPI-46341242965036/](http://www.upi.com/Health_News/2009/05/22/Autism-in-Britain-costs-about-43-billion/UPI-46341242965036/)

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## **9. New travel laws under scrutiny for disabled travellers**

New European Union laws brought in to protect the rights of disabled travellers are to come under scrutiny by the Civil Aviation Authority. The CAA is starting a two-month consultation to investigate whether the rights of disabled travellers are being well enough protected by the law. Read more at:

<http://www.travelweekly.co.uk/Articles/2009/05/22/31042/caa-to-investigate-eu-disability-laws.html>

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## 10. Help in managing mental ill health

Everyone will at some point have to deal with an employee or colleague who is showing signs of mental distress. Occupational health programmes can play a vital role in managing staff with mental ill health. Bob Grove from the Sainsbury Centre for Mental Health explains how. Click

<http://www.personneltoday.com/articles/2009/05/01/49328/mental-health-in-the-workplace.html>

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## 11. EFD Annual Conference

EFD's annual conference will help you ensure that disability remains a business priority in your organisation, particularly during these difficult economic times. The event will give you and your colleagues the opportunity to meet other EFD contacts from across our 400 strong membership, as well as key players from business, government and disabled people. We'll be bringing a range of influential and inspirational speakers to the event. We will examine and explore key social demographic, legislative and policy trends to gauge the future landscape for disabled people, with specific focus on the resulting implications for business and EFD members. This includes the recently announced Equality Bill and its impact on your organisation.

The event also features practical workshops, delivered by EFD Associates and EFD member representatives, on topics that members tell us they find challenging:

- Engaging with your disabled staff.
- Encouraging disclosure of disability in your workplace.
- Managing stress and mental ill health.
- Understanding disabled customers in a changing world.

Some agenda highlights which you might like to share with your colleagues include:

- Ipsos MORI research investigating disabled people's aspirations and their expectations as valued members of society, employees and customers.
- Examination of the current Government welfare reform programme to get disabled people into work.
- Why employers and government need to work together to ensure that disabled people are valued as employees, customers and stakeholders during an ever changing world.
- The impact of the Equality Bill on current disability legislation and its future impact on UK business.
- Panel discussion: 'How should disability confidence be addressed in a time of recession?' led by EFD member panellists with audience participation.
- Inputs from EFD disabled associates - experts in the field sharing their knowledge and facilitating panel discussion and afternoon workshops
- Inspiring words from Giles Long, three-times Paralympics Gold medal

winner, on how to use positive change to your advantage and keep motivated back at the office.

EFD Members & charities: £170 + VAT (special reduced rate for members)

Non-members: £300+ VAT

EFD Members also receive free online access to Disability Confident, the informative e-learning solution for your colleagues and staff

Click on weblink for full details of speakers, content and to book

<http://snipurl.com/dif2f>

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