

**Health & Safety and
Equality & Inclusion
– The Legal
Perspective**

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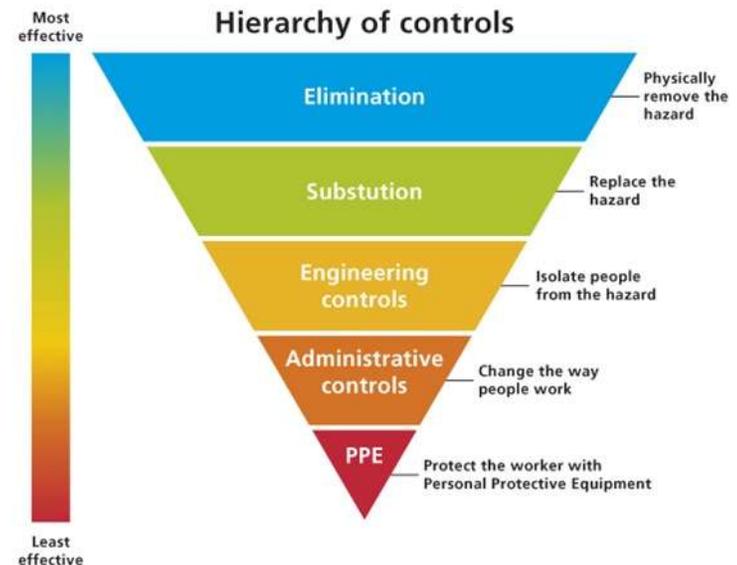
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The Law

- It is against the law to treat someone less favourably than someone else because of a personal characteristic such as disability, pregnancy, race, religion, sex, sexual orientation, marriage, gender reassignment or age.
- Covers direct discrimination, indirect discrimination, harassment and victimisation.
- There are limited circumstances where an employer may act in a way which is discriminatory if it can objectively justify discrimination as what the law terms 'a proportionate means of achieving a legitimate aim'.

H&S Law

- S. 2 HSWA – Duty to employees
- S.3 HSWA – Duty to non-employees
- Reg 3 MHSWR – Risk Assessment
- S. 7 HSWA – Duty on employees



H&S and promoting inclusion

- Inclusion = being treated fairly = builds trust and engagement.
- Health and Safety can take priority BUT Health and safety should not be a barrier to inclusion and equality in the workplace – it can actually be used to promote inclusion
- H&S and HR should work together

Network Rail Diversity and Inclusion Strategy

- *“When everyone is better engaged and able to fully contribute to our business, we will improve safety performance and value.”* – Mark Carne CEO
- Network Rail aim to make diversity and inclusion part of their business-as-usual approach so that they remain consistently safe and high-performing.
- Benefits of diversity and Inclusion for Network Rail:
 - Access and Inclusion
 - Behaviours and Benchmarks
 - Collaboration
 - By increasing the diversity of their workforce, they will become safer. Having people with a range of expertise, approaches and backgrounds will help to challenge norms that might be unsafe.
 - Managers of maintenance teams at Network Rail, who had the lowest engagement levels had an average 18.9% more accidents. An inclusive and fair culture will help people to speak up, engage and be less tolerant of unsafe working practices.

Gender

- Women make up 42% of the employed population in the EU
- Under-representation of women in health and safety decision making
- Understanding the impact of gender (social) and sex (biological) differences on men's and women's occupational health and safety can help reduce inequality in the workplace

Age

- Older workers
- Younger workers

- Examples:
 - Supervision
 - Training
 - Don't assume certain jobs too physically demanding – but consider reducing manual handling
 - Consult with employees

Religion

- Dress Code, that:
 - relates to the job and is reasonable in nature
 - is non-discriminatory

Examples:

- Hard Hats and Religious Head Wear
- Nurse - Crucifix necklace
- Long length religious dress
- Reflective Hijab

Race / ethnic origin

Issues to consider:

- Basic competencies, such as literacy, numeracy, physical attributes, general health, and relevant work experience
- Information and instruction
 - Language / signs - Prosecution of Elite Precast Concrete Ltd
- Training / competence - Whether qualifications compatible
- Supervision and effective communication
- Cultural attitudes

Examples - Disability

- Duty to make “reasonable adjustments”
- Consider:
 - Accessibility and Working Environment
 - Signposting and Communication
 - Duties and Hours
 - Training and supervision
 - Promotion
 - Emergency Procedures
- Examples:
 - Adding coloured strips to glass doors to help visually impaired employees
 - Warning lights as well as alarms to assist employees with hearing difficulties

Examples – Disability - Mental Health

- 1 in 4 people are likely to experience mental ill health at some point during their lifetime
- Male site workers in construction are 3 times more likely to commit suicide than the average UK male and suicide kills more people in the construction industry than falls from height
- Statistics suggest that the most dangerous thing on a building site is the human mind
- Can be a disability so duty to make reasonable adjustments
- Whether work is causing the health issue or aggravating it, employers have a legal responsibility to help their employees

Questions?

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