

# Hidden disabilities

# Back Impairment

## Reasonable Adjustments



said in 2016 that back pain was the largest single cause of disability.

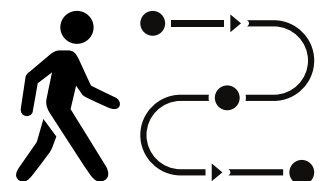
68% of adults had been struck down with back pain at least once in the previous 12 months according to a survey carried out for the Chartered Society of Physiotherapists in 2005.

A third of those affected experienced five or more episodes over the course of a year.

Although back pain is widespread, it is extremely variable in its severity and duration. Whether a worker has a disability under the Equalities Act has to be assessed on a case-by-case basis.

### Factors likely to be seen as having a substantial adverse effect:

- difficulty in getting dressed, e.g. because of physical restrictions;
- difficulty waiting or queuing because of pain or fatigue when standing for prolonged periods;
- difficulty using transport, e.g. because of physical restrictions, pain or fatigue (as opposed to discomfort after 2 hours in a car or plane);
- difficulty going up or down steps or gradients;
- ability to walk only a short distance without difficulty. Experiencing some tiredness or minor discomfort as a result of walking unaided for about 1 mile (1.5 km) would not usually be a substantial adverse effect, though this would depend on the worker's age and nature of the terrain; and
- difficulty picking up and carrying objects of moderate weight with 1 hand, e.g. a shopping bag or small piece of luggage. But inability to carry heavy luggage is not in itself an indication of disability.



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Further questions to check substantial adverse effect, depending on circumstances:

- Can the worker get dressed without pain or assistance?
- Does the worker have difficulty getting out of bed?
- Does the worker have difficulty sitting down for more than short periods at a time?
- Is the worker able to reach top shelves of a cupboard without pain?
- Can the worker unpack a bag of shopping or unload a dishwasher without substantial pain?



If the worker is taking painkillers or undergoing other medical treatment which lessens the effect, the test of whether it is a physical disability is the effect **without** the treatment.

The substantial effect of a back injury may well not be long-term. It is also possible that the substantial adverse effect comes and goes. If so, it will be long-term if it is more likely than not that the effect will recur.

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**Work Place Reasonable Adjustments: what you and your colleagues can do at your workplace**



The Health & Safety Executive says on its website “that good industrial relations, job satisfaction and partnership between employers and employees are key elements in the successful management of back pain problems”.

**Always consult the individual.**

**Adjustments, depending on the nature and degree of disability, may include:**

**1. Training on correct lifting techniques.**



**2. Assistance with lifting or the introduction of mechanised lifting.**



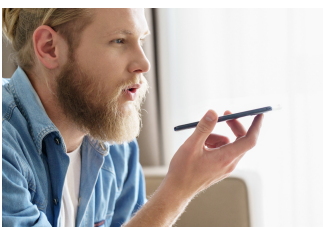
**3. Allocation of light duties only.**



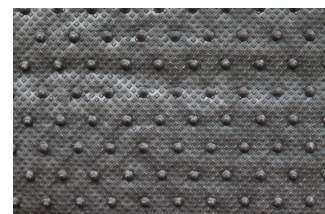
**4. Ergonomic chair and workplace design.**



**5. Provision of voice-activated software to avoid the need of a keyboard and mouse.**



**6. Provision of an anti-fatigue mat and stools to lean against if prolonged standing is required .**



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**7. Provision of automatic office equipment and doors. Also availability of trolleys to move objects.**



**8. Allocation of waist height storage for frequently used supplies.**



**9. Reduction of the need for physical exertion.**



**10. Provision of mobility aids if long-distance walking is necessary.**



**11. Availability of accessible parking and toilets.**



**12. Provision of an occupational physiotherapy service.**



**Tribunals have made these suggestions in individual cases where the back has been damaged by repeated movements:**

**Relocation of a deputy ward sister's manual duties to other workers.**



**Allowance for a school dinner lady to undertake fixed manageable duties rather than share a rota which includes a variety of duties.**

