

Health and Safety Executive for Northern Ireland

Equality Impact Assessment on
Four Key Policy Areas



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1. Executive Summary

The Health and Safety Executive for Northern Ireland (HSENI), as the regional health and safety authority, is the lead body responsible for the promotion and enforcement of health and safety at work standards in Northern Ireland. HSENI has four main objectives in carrying out its activities:

Policy A: - to promote key workplace health and safety messages and themes to targeted sectors and groups

HSENI promotes key workplace health and safety messages through a comprehensive programme of activities, in line with the priorities identified in its Corporate and Operating Plans, which includes the organisation of events and supporting functions such as the issue of news release and updating of the website.

Policy B: - to communicate appropriate, timely and practical workplace health and safety information and advice.

In delivering its services to the people of Northern Ireland, HSENI provides information and advice through visiting field staff, provision of an Information and Advisory Service at HSENI headquarters, or through its new advisory service for small businesses, Health and Safety Works NI.

Policy C: - To improve compliance with health and safety standards through inspection and investigation activities.

HSENI aims to improve compliance with health and safety standards through inspection and investigation activities. Health and Safety Inspectors and Compliance Officers employed by HSENI enforce health and safety at work legislation through the use of specific enforcement powers, and when necessary, through prosecution in accordance with Enforcement Guidelines. An annual programme of inspection and investigation visits to workplaces across Northern Ireland is conducted by these enforcement staff to determine that health and safety standards are being achieved.

Policy D: - To ensure that an effective and up-to-date health and safety at work regulatory framework is maintained.

In achieving this objective, HSENI submits proposals for health and safety legislation to the Department of Enterprise, Trade and Investment (DETI), the Minister for Enterprise, Trade and Investment, the Assembly's Enterprise, Trade and Investment (ETI) Committee and if appropriate, to the Assembly's Executive Committee. Those proposals are normally based on legislation enacted in Great Britain and on Directives issued by the European Union. The protection provided by the legislation applies to all people at work, regardless of their gender, age, religious belief, political opinion, racial group, marital status or sexual orientation. Health and safety legislation provides additional protection from

hazards for people deemed to be vulnerable; in particular women of child bearing age, young people and children.

The delivery of these four key objectives aims to bring a real and lasting benefit to the working age population in Northern Ireland, to the businesses and organisations that employ them as well as to the wider society and economy.

Following positive comments from its public consultation in 2008, HSENI has decided to combine the equality impact assessment process for each of the key policy areas listed above. This will reduce the administrative burden on consultees and avoid duplication of activity for HSENI's own staff. Each policy, and its impact, continues to be considered on an individual basis, however background information has been combined where appropriate.

Determinations have been made on each of the policies to see if there is any adverse impact on any of the nine groups covered by section 75 of the Northern Ireland Act 1998. The assessment has concluded the following for each of the policies:-

Policy A – that there is the potential for communication difficulties in promoting key health and safety issues for those whose first language is not English and communication and accessibility issues for people with disabilities when attending events.

Policy B - that there may be the potential for communication difficulties in providing information and advice to certain customers, for example people with a disability or those customers who are not

fluent in English.

Policy C – HSENI has concluded that, in the main, its inspection and investigation activities have a neutral effect on Section 75 Groups.

Policy D – HSENI’s approach in developing legislation is considered to be transparent, accountable, targeted, consistent and proportionate and as such this assessment has identified that there no adverse impact from the legislative process on any of the Section 75 Groups.

Given the conclusions indicated above, HSENI has reaffirmed the need to continue with ongoing actions in relation to these determinations. These actions are summarised in Section 4.

Good Relations

HSENI has also considered how it may promote good relations between persons of different religious belief, political opinion and racial group through the delivery of its four key policy areas. HSENI will continue to explore opportunities for promoting good relations between different groups, such as that demonstrated as part of the delivery of key messages on child safety, which involved inviting children from protestant, catholic and integrated schools to take part, for example, in presentations at shopping centres and the Child Safety on Farms Poster Competitions. However, opportunities for this, especially around the areas of inspection and developing legislation, would appear to be limited.

2. Introduction and Background

HSENI is a body corporate established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978 as amended by the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (“the Order”). Under Article 12(5) of the Order, the functions of HSENI, and of its officers and servants, shall be performed on behalf of the Crown. For administrative purposes, HSENI is an executive non-departmental public body sponsored by the Department of Enterprise, Trade and Investment (DETI).

The responsibility to control risk is placed upon those who create it: mainly employers, but also the self-employed, suppliers, designers etc.. HSENI is there to inform, stimulate, guide, and where necessary, compel those with duties of care, and others concerned with health and safety at work, in actions leading to higher standards.

HSENI’s business is to ensure that risks to people’s health and safety from work activity are properly controlled, in ways that are proportionate to risk, allow for technological progress and pay due regard to costs as well as benefits; and in all that it does, seek to promote better management of health and safety at work, through systematic approaches to identifying hazards, assessing and controlling risks.

HSENI, subject to the Minister responsible for the Department of Enterprise, Trade and Investment , HSENI’s sponsor Department,

has primary responsibility under the Order for the regulation of health and safety at work in Northern Ireland.

The functions of HSENI are defined in the Order and its subordinate instruments. In practice, this involves setting necessary standards and securing compliance with those standards in the workplace. The standards of health and safety achieved in Northern Ireland are delivered by a flexible, goal setting, and regulatory system. Since the Order was introduced in 1978, HSENI and its predecessor have been engaged in the progressive reform of health and safety law, seeking to replace industry-specific legislation where ever possible with regulations expressed in terms of goals and general principles to be achieved. These regulations are supported by guidance and approved codes of practice, setting out how compliance might be accomplished.

HSENI undertakes other forms of activity designed to stimulate or support necessary action to control risk by those people and organisations that actually create the risk. This includes organising and taking part in events, campaigns and exhibitions, issuing news releases and providing website services.

HSENI's functions as defined in the Order include:

- generally promoting health and safety at work and issuing guidance on specific topics;
- arranging for the provision of information and advice to Departments amongst others;

- arranging for the operation of an information and advisory service;
- making adequate arrangements for enforcement of the relevant statutory provisions and having the power to appoint inspectors, whose powers are defined in the Order;
- preparing and submitting to the appropriate Department, proposals for health and safety legislation in order to comply with EU Directives and maintain parity with Great Britain; and
- arranging for the carrying out and publication of research and for encouraging research by others.

Within HSENI there is an Employment Medical Advisory Service established by Article 48 (1) of the Order. It supports the Executive on workplace health issues; provides information and advice concerning the safe-guarding and improvement of the health of persons at work.

HSENI's powers of action include:

- approving and issuing codes of practice, with the consent of DETI, subject to consultation with appropriate Government Departments and other bodies. These are known as "Approved Codes of Practice";

- making Agency agreements with Government Departments or others for them to perform functions on HSENI's behalf; and with any Minister, Government Department or other public authority for HSENI to perform functions on their behalf (subject to those functions being, in the opinion of DETI, appropriate to HSENI's responsibilities);
- proposing and keeping under review, arrangements for the allocation of enforcement responsibility between HSENI and other enforcing bodies with the aim of ensuring satisfactory and consistent standards;
- giving guidance to district councils on enforcement; and
- investigating accidents or other matters and, subject to regulations made by the Department, directing inquiries to be held.

HSENI is the enforcing authority for health and safety in a range of work situations including:

manufacturing	schools and universities
chemical plants	hospitals and nursing homes
construction	disciplined services
transport	district councils
gas supply and distribution	government departments
agriculture	fairgrounds
mines and quarries	

The 26 District Councils in Northern Ireland also have a role in providing information and advice in relation to health and safety at work. District Councils are responsible for ensuring that proper health and safety standards are in place in a range of sectors including retail, catering and leisure and for the provision of information and advice to these sectors. The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999 (S.R.1999 No.90) set out in detail the respective enforcement responsibilities of both HSENI and the District Councils. HSENI will continue to work closely with the local authorities, via its HSENI and Local Authority Liaison Committee (HELANI), during the period of reorganisation associated with the implementation of the Review of Public Administration.

Section 75 of the Northern Ireland Act 1998 requires HSENI, in carrying out all of its functions, powers and duties relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between: -

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

In addition, and without prejudice to these obligations, HSENI, in carrying out all of its functions, powers and duties relating to Northern Ireland, must have regard to the desirability of promoting

good relations between persons of different religious, political and racial groups.

HSENI, as required by Schedule 9 to the Northern Ireland Act 1998, has prepared and published an Equality Scheme setting out how it proposes to fulfil the duties imposed by Section 75 of the Act. Copies of the Equality Scheme are available in print form and requests for information in other accessible formats e.g. Braille, large print, disc, audio cassette or in Irish, Ulster Scots or other languages of the minority ethnic communities in Northern Ireland should be made to:

Louise McQuillan
Health and Safety Executive for Northern Ireland
Corporate Services Division
83 Ladas Drive
Belfast BT6 9FR
Tel: 028 9024 3249 Textphone: 028 9054 6896
Fax: 028 9023 5383
email: louise.mcquillan@detini.gov.uk

The Equality Scheme can also be accessed on HSENI's website at: www.hseni.gov.uk

Under its existing Equality Scheme, HSENI is committed to carrying out equality impact assessments on how each of its designated policy areas impacts on the promotion of equality of opportunity between the Section 75 Groups and on the promotion of good relations between people of different religious belief, political opinion or racial group.

HSENI's existing Equality Scheme will be revised over the coming months to reflect the organisation's decision to combine the EQIAs for its four main policy areas into one consultation exercise and to address the Equality Commission's revised guidelines for Equality Schemes. The revised document will also likely take account of the following:

- relevance to social need;
- effect on people's daily lives;
- effect on economic, social and human rights; and
- scale of expenditure incurred by the policy.

HSENI currently (December 2009) has a staff of 123 employees, the majority of whom are based at headquarters, located at 83 Ladas Drive, Belfast. However, an ever increasing number of staff are out-stationed throughout Northern Ireland, with offices in Belfast City Centre, Omagh, Cookstown, Coleraine and Enniskillen. HSENI has an Executive Board consisting of 10 members appointed by the Departmental Minister and regulated by the Office of the Commissioner for Public Appointments. The organisation is structured into three general Divisions - Compliance Division, Services Division and Support Division.

Although information and advice may be sought from, and provided by, any section within HSENI, the central focus of this service is provided through the work of Inspectors and the Information and Advisory Services Group (IASG) based at HSENI headquarters. The functions of event management, website maintenance and press office also come under the remit of IASG. This work is

complimented by Health and Safety Works NI (HSWNI), who provide information, advice, information based events and one to one mentoring support, specifically for small businesses. All three divisions within HSENI are involved in the promotion of key workplace health and safety messages, delivered through a comprehensive event programme and on a daily basis through their work in the field.

3. Impact Assessments

Policy A - EQIA

“To promote key workplace health and safety messages and themes to targeted sectors and groups.”

a) Backdrop (Policy A)

The aim of this policy is to ensure that key workplace health and safety messages and themes are promoted to relevant sectors and groups who may be involved in, or concerned with, health and safety at work in Northern Ireland. This is recognised as a core activity of HSENI, and is further evident in the routine visits made by HSENI Inspectors, who also help promote key health and safety messages on an individual basis to their customers. It is intended that this policy will assist in improving knowledge of legal and practical occupational health and safety issues and assist in the overall improvement of workplace health and safety standards in Northern Ireland.

In promoting key workplace health and safety messages and themes, HSENI aims to deliver practical and informative events that are in line with operational priorities and take clear account of customers' needs. The majority of these activities are held in conjunction with an appropriate partnering organisation. In developing its event's service, HSENI is committed to a quality-focussed approach, which continually reviews the method of promotion based on the feedback of its target audiences. HSENI's

website and press office also serve as another effective mechanism for supporting the event or for promoting specific key messages, for example, the European Week of Safety and Health. The need for active participation is publicised through the media and the website.

The diversity of HSENI's customer base is recognised as an integral part of the development of its programme of promotional activities. Target audiences and customer needs may be driven from a sectoral basis, for example, the construction sector, or they may take account of special groups such as children at risk from work activities on construction sites or on farms.

The customer base for HSENI promotional activities includes people who are directly involved in workplace safety such as employers, employees, employer representative groups, safety professionals, safety representatives and trade unions and people in broader customer areas such as students and members of the public. The subject of workplace health and safety is also very diverse and the provision of key messages through events, news releases and the website includes work sector specific issues (for example, construction safety) and general information applicable to all work environments (for example requirements of legislation, etc.). In promoting key workplace health and safety messages, account is taken of both customer needs and also subject content. Areas requiring particular focus are identified in HSENI's Corporate and Operating Plans as priority issues.

Priority issues are those which are responsible for a disproportionately high number of cases of ill health and injury:

- manual handling and repetitive work;
- work-related stress;
- exposure to asbestos fibres;
- falls from height;
- transport in the workplace; and
- slips and trips.

In addition to the above priority issues, HSENI also focuses attention on the high risk sectors of construction, quarrying and agriculture.

HSENI uses a range of different methods for promoting key workplace health and safety messages, which includes:-

- Conferences
- Seminars
- Workshops
- Launches of new initiatives or products
- Participation in externally organised events
- Speaking engagements
- Exhibitions
- News releases/press articles
- HSENI's website

The genesis of the promotional programme is in the development of the Operating Plan, which allows key messages, based on identified priority areas, to be effectively targeted through a planned programme. This programme is tailored, where possible, to work alongside the inspection programme, for example, Safety Awareness Days and inspection initiatives, take account of which promotional method(s) should be used to best ensure that key workplace messages are effectively targeted.

Comprehensive supporting information is provided at all HSENI events. It can be supplied in a wide range of formats including leaflets, PowerPoint handouts, direction to online information and CD Roms. Information can be provided in other accessible formats upon request. The information serves to further support the key messages delivered through the event itself.

An evaluation report, based on feedback from participants, is completed for all HSENI hosted events, which provides the organisation with invaluable information on customers' needs. This is used to help shape future events that target key health and safety messages to HSENI's wide customer base.

b) Data Collection (Policy A)

This Equality Impact Assessment has been completed using available qualitative and quantitative information. HSENI has been able to consider data from the Northern Ireland Labour Force Survey: July–September 2009 for quantitative data relating to general employment in Northern Ireland. Consideration was also

given to data routinely collected by HSENI through customer satisfaction surveys and under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997. Unfortunately data from these sources, whilst providing some information, has limited application when considering all Section 75 Groups.

Qualitative data was obtained by informal discussions with HSENI staff and other groups, which has helped shape the recommendations for ongoing improvement summarised in Section 4.

c) Key Findings (Policy A)

An assessment of the impact of HSENI's promotion of key workplace messages and themes on the equality of opportunity duty in respect of the nine Section 75 Groups has been carried out and this assessment is set out below.

Religious Belief

Quantitative and qualitative data on the religious belief of HSENI customers is not available.

There has been an increasing recognition of the need for improved regional accessibility to HSENI events and hence improved equality of opportunity in terms of religious belief. This has resulted in the delivery of events throughout Northern Ireland to meet the widest range of customers. An example of this is the

annual Spring Conference, which has been held in the following areas, Enniskillen (2005), Belfast (2006), Coleraine (2007), Cookstown (2008) and Newcastle (2009).

The provision of key health and safety messages through HSENI's website provides for a "neutral" environment for receipt of this information. HSENI's current campaign, "Asbestos – the hidden killer", has been promoted via the website alongside local radio promotion.

Equality of opportunity on religious belief has also been addressed through the issue of news releases and the associated use of publicity photographs. These are issued to all three Belfast daily papers, that is, the Belfast Telegraph, The Irish News and The Newsletter, ensuring that all sections of the community have an equal opportunity to receive key targeted health and safety messages based on what may be perceived to be a religious bias towards a particular newspaper. The news releases are also issued on a geographical basis to take further account of accessibility to the key messages and themes.

HSENI has no reason to believe that there is any adverse differential impact on HSENI customers with differing religious belief in the promotion of key health and safety messages and is making every effort to ensure improved regional accessibility to events.

Political Opinion

No quantitative or qualitative data is available on the political persuasion of HSENI customers in Northern Ireland. HSENI promotes the importance of key workplace health and safety messages to all customers regardless of political opinion or work sector associated or perceived to be associated with any political persuasion.

HSENI has no reason to believe that there is any adverse differential impact on HSENI customers with differing political opinion in the promotion of key health and safety messages.

Racial Group

There is no quantitative data available on the number of HSENI customers from each racial group attending promotional events.

HSENI, through its Information and Advice Centre, at 83 Ladas Drive, has a limited range of information on key health and safety themes available in ethnic language formats. Produced by the HSE in Great Britain, these are available for customers in Northern Ireland in the following formats: -

- bird flu (Czech, Latvia, Lithuanian, Polish, Portuguese, Romanian, Slovak and Tetum);
- gas safety (Urdu, Punjabi, Hindi, Bengali and Gujarati);
- health and safety information for employees (Urdu, Punjabi, Hindi, Bengali and Gujarati);

- health and safety in clothing factories (Bengali, Gujarati, Hindi, Punjabi, Turkish, Urdu and Vietnamese);
- fire safety in small textile factories – a brief guide for employers (Bengali, Gujarati, Hindi, Punjabi, Turkish, Urdu and Vietnamese);
- Health and safety in catering (Cantonese); and
- Health and safety for all (Lithuanian, Polish, Portuguese).

HSENI has also produced a booklet on safety which is in pictorial form and can be used by anyone with a limited knowledge of the English language.

HSENI is aware of significant pockets of ethnic minority employment in the catering industry and the health services sector. There is also an increasing trend of migrant workers from a range of countries in a number of work sectors such as agriculture, construction, food processing and the hospitality industry. Many of these workers do not have English as their first language, and HSENI continues to face challenges in the delivery of its key health and safety messages to this population.

Data from the Labour Market Bulletin 22 (June 2009) would suggest that 5% of the Northern Ireland workforce in late 2008 comprised migrant workers (estimated at 31,000 migrant workers in employment). This shows a significant increase in numbers compared to earlier work carried out by the Institute for Conflict Research (published June 2004) which suggested a figure of 20,000 migrant workers. This may in part be attributed to a continuing increase in employment of migrant workers who are in

low-paid work, in unskilled work, in agriculture or in factory based work. Part of this research in 2004 indicated that out of the sample population of migrant workers, some 13% stated that they could not speak or read any English. HSENI will continue to determine how best to target key health and safety messages to these groups. Part of this is likely to involve partnership working and HSENI will continue to explore appropriate opportunities for this.

Qualitative data from discussions with staff has indicated that there is little need to date for translation services at events. Discussions with inspectors, however, would continue to indicate that a numbers of workers in Northern Ireland do not have English as their first language, a group which can be difficult to reach in terms of effective promotion of key health and safety messages.

All publications produced by HSENI, including those in minority languages, are available to download from the HSENI website.

Although qualitative feedback from staff has not indicated any adverse differential impact on HSENI customers from ethnic minority or migrant workers groups, there is the potential for it to occur and HSENI is undertaking measures to improve the promotion of key health and safety messages to those who are not fluent in English.

Age

There is no quantitative data available on the age profile of HSENI customers in relation to the promotion of key health and safety messages.

Age, however, can be a relevant factor when identifying those who are most at risk as a result of work activities. HSENI has identified construction, agriculture and railways as high-risk sectors that pose a risk to the health and safety of children. Certain hazards have been identified within these sectors e.g. children may be attracted to playing on building sites, railway tracks or may be tempted to play with dangerous equipment if they live on or visit farms. The agriculture sector also poses a high risk to the older farmer.

It is essential that key health and safety messages are effectively targeted to young and old alike. HSENI uses a variety of methods to target information appropriately, including a children's section on its website and the direct promotion of health and safety messages on a regular basis to children at school. Specific campaigns using safety characters such as Be aware Bear have been developed in recent years to alert children to the dangers on farms and building sites. HSENI participates in the Annual Child Week of Safety in the UK that acts as a focal point for the promotion of general safety messages to children. Key messages are further supported through news releases and appropriate press articles.

Informal feedback to date has indicated that the Child Safety on Farms Campaign has been well received and the actions taken by

HSENI in relation to communicating health and safety messages to children are viewed positively.

Any initiative carried out by HSENI in relation to child safety is designed to have a positive impact on child safety and well being. The same can be said of targeted messages to the elderly population in the agriculture sector. HSENI has no reason to believe that there is any adverse differential impact on children or any other age group in the delivery of this service.

Marital Status

There is no quantitative or qualitative data available on the marital status of HSENI customers involved in the promotion of key workplace health and safety messages and themes.

HSENI has no reason to believe that there is any adverse differential impact on customers of differing marital status in the promotion of key workplace health and safety messages and themes.

Sexual Orientation

There is no quantitative or qualitative data available on the sexual orientation of customers involved in the promotion of key workplace health and safety messages and themes.

HSENI has no reason to believe that there is any adverse differential impact on customers of differing sexual orientation in

the promotion of key workplace health and safety messages and themes.

Gender

According to the Northern Ireland Labour Force Survey (July-Sept 2009), the total number in employment was 754,000. This comprises of 401,000 males (60%) and 353,000 females (40%). In promoting key workplace health and safety messages and themes, HSENI provides its services to all customers regardless of gender.

In seeking to improve health and safety at work standards in Northern Ireland, HSENI has currently prioritised its activities in the construction, agriculture and quarry sectors. These sectors have been identified as the highest risk sectors for serious injury/fatalities in Northern Ireland and are also recognised as being male dominated. Whilst there is recognition of bias of gender in these industries, it is essential that HSENI prioritises its activities according to the health and safety performance of all work sectors and the greatest perceived areas of risk.

In promoting information on all aspects of workplace health and safety, however, gender specific workplace risks have been recognised within certain industries. Manufacturing (17%) and Construction (16%) are the largest employment sectors for males, while Health and Social Work (26%) is the largest sector for females. HSENI does take account of this when developing its promotional programme. When a need has been identified, for example, due to a change in legislation or seasonal variation of

activities in agriculture, the risks will be included in an appropriate promotional format e.g. news releases highlighting the health risks to pregnant women who may have contact with sheep during the lambing season, were specifically targeted at women of childbearing age.

Promoting key workplace messages and themes is designed to have a positive impact on all aspects of workplace safety including gender specific risks where these have been recognised. HSENI has no reason to believe that there is any adverse differential impact on customers of different genders in the promotion of key workplace health and safety messages and themes.

Disability

Quantitative data is not available on the number of HSENI customers with a disability, although the July-Sept 2009 NI Labour Force Survey estimates that one in five (20%) persons (221,000) of working age in Northern Ireland has a current long-term disability, covered by the 1995 Disability Discrimination Act and/or or a work-limiting disability. Disability includes physical disability, sensory disability, mental illness or learning disability as defined in Sections 1 and 2 of, and Schedules 1 and 2 to, the Disability Discrimination Act (DDA) 1995. The Labour Force Survey also estimates that the employment rate for people without disabilities (75%) is over twice that of people with disabilities (31%).

In promoting equality of opportunity, HSENI adheres to the relevant provisions of the Disability Discrimination Act 1995 and has revised

its services in response to part 3 of the Act which came into force in October 2004.

Qualitative feedback from staff has indicated that customers with a disability, particularly those who are blind or partially sighted and deaf or hard of hearing, might potentially experience communication difficulties when attending events.

In the planning and organisation of events, careful consideration is always given to the physical attributes of the proposed venue, in terms of its accessibility and facilities for people with a disability. Clear signage is also provided on the day, which is especially important to people who are deaf or hard of hearing. All members of staff involved in event management are aware of these requirements. Ongoing training will be provided for staff in order to best assist customers with a disability.

HSENI has therefore provided its invitations in a format that includes a section for delegates with particular requirements. This includes seeking information on dietary needs and physical needs such as a loop system, speed text or sign interpreter. From this information HSENI is able to make reasonable provision for those customer's needs at the event. Invitations to events will all be issued with HSENI's text phone number so that people who are deaf or hard of hearing can contact us using this if desired. The text phone is located in the event management section of the Information and Advisory Services Group. Booking forms can be completed over the telephone if necessary for people who are blind or partially sighted.

In promoting key workplace health and safety messages, HSENI will provide assistance for delegates with learning disabilities attending events. Information and Advisory Services Group Staff are able to assist people with a learning disability to complete booking forms via the telephone if required.

HSENI is aware of the need to make its website accessible to people with disabilities. In order to achieve this, HSENI has determined that all website development must be at least to a standard of WAI AA (Web Accessibility Initiative), meeting the requirements of NICS's guidelines on website accessibility for people with disabilities.

There is therefore some evidence to indicate the possibility of an adverse differential impact on customers with a disability. HSENI recognises the importance of ensuring that its service is available to all and a number of measures have already been introduced to help achieve this. HSENI will continue to seek to improve service delivery in this area.

Dependants

There is no quantitative or qualitative data available on HSENI customers with dependants and those customers without dependants.

HSENI has no reason to believe that there is any adverse impact on customers who have dependants or customers without

dependants in the promotion of key workplace messages and themes.

d) Promotion of Good Relations (Policy A)

In carrying out all of its functions, powers and duties, HSENI is very conscious of its statutory duty to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group. HSENI has sought to do this in relation to children from different religious backgrounds. Events connected with Child Safety have involved inviting children from protestant, catholic and integrated schools to take part, for example, in presentations at shopping centres and the Child Safety on Farms Poster Competitions. HSENI will continue to explore opportunities to promote good relations between persons of different religious belief, political opinion and racial group.

e) Conclusions (Policy A)

The aim of this Equality Impact Assessment is to determine if a differential impact exists on any of the Section 75 Groups and whether this differential impact is adverse. HSENI has concluded that its ongoing improvements are a necessary part of how it promotes key workplace health and safety messages to targeted sectors and groups.

HSENI will therefore continue with its programme of measures aimed at improving customer services and, where possible,

addressing potential adverse impacts across the Section 75 Groups. A number of ongoing actions are shown below:

- HSENI has already taken account of the need for regional accessibility to events and will continue to do so as part of the planning process for the event programme, thereby improving equality of opportunity for those of differing religious groups (ongoing).
- Detailed information on ethnic minority groups and migrant workers is limited, HSENI will therefore try to improve its intelligence in this area by conducting an internal survey of HSENI inspectors to record their experience of the range and needs of migrant workers observed from inspection activities (survey undertaken by February 2010).
- HSENI currently stocks a number of health and safety information leaflets in various languages obtained from HSE (GB) and publishes these leaflets on its website. HSENI will also continue to monitor the needs of its customers who speak little or no English and based on, for example, customer requests for information, monitor the need to produce key health and safety documentation in their own language (ongoing).
- HSENI has already taken account of the potential for accessibility and communication difficulties for people with disabilities at events. However because of the dynamic nature of event management, this will be dealt with on an

ongoing basis. Special requirements will be identified and acted upon in light of the information provided on the event booking form and at the venue booking stage. Invitations have already been revised and will continue to be reviewed to ensure that other needs such as physical access and car parking are catered for (ongoing).

- HSENI will provide an assisted service for the completion of booking forms over the phone for people with identified special needs e.g. for people who are blind or partially sighted or have a learning disability (ongoing).
- All Information and Advice Staff will undergo (refresher) training in the use of the text phone and how best to provide assisted service to customers with a disability (ongoing).
- HSENI will ensure that any future development of its website will take account of any access issues that may result for customers with disabilities (ongoing).
- HSENI will continue to explore opportunities for promoting good relations between people of different religious groups (ongoing).

Policy B – EQIA

“To communicate appropriate, timely and practical workplace health and safety information and advice.”

a) Backdrop (Policy B)

The aim of this policy is to ensure that relevant and appropriate information and advice is provided for all persons who may be involved in, or concerned with, health and safety at work in Northern Ireland. This is recognised as a core activity of HSENI in the routine visits made by HSENI Inspectors and through the provision of an Information and Advisory Service. It is intended that this policy will assist in improving knowledge of legal and practical workplace health and safety issues and assist in the overall improvement of workplace health standards in Northern Ireland. In providing an information and advisory service, HSENI aims to deliver practical and customer-focused information and advice. In developing this service, HSENI is committed to a continual review of how it communicates information and advice.

In providing information and advice to customers, HSENI recognises that its customer base is very diverse. It ranges from customers who are directly involved in workplace safety such as employers, employees, employer representative groups, safety professionals, safety representatives and trade unions to broader customer categories such as students and members of the public.

The subject of workplace health and safety is also very diverse and information routinely provided by HSENI includes work sector specific issues (for example construction safety) and general information applicable to all work environments (eg requirements of legislation, etc).

Information and advice can be obtained from HSENI through a range of sources and methods and key aspects of this information and advisory service include:

- an Information and Advice Centre based at office headquarters, which provides a health and safety reference facility for customers. The centre offers visitors the opportunity to study reference materials such as Statutory Rules and Codes of Practice, access to the internet, the latest guidance publications and also video/DVD viewing and lending facilities.
- a wide range of health and safety information free of charge, both general and sector specific. Information can be made available in accessible formats if requested. A CD Rom containing all HSENI's free information publications has also been produced.
- a range of workplace health and safety leaflets from HSE in Great Britain, are made available to customers in Northern Ireland through HSENI's Information and Advice Centre.

- access to a wide range of workplace health and safety information via HSENI's website. The website is regularly updated and developed to ensure that customer information needs are being met.
- access to HSENI's One 2 One Advisory Service where customers can obtain workplace health and safety advice by personally calling to office headquarters, contacting HSENI staff by phone (a dedicated free phone helpline facility is available), e-mail, fax, and textphone. Advice can also be provided to customers during routine HSENI visits by field staff.

b) Data Collection (Policy B)

This Equality Impact Assessment has been completed using available qualitative and quantitative information. HSENI has been able to consider data from the 2001 Census and the Northern Ireland Labour Force Survey, Quarterly Supplement (July – September 2009) for quantitative data relating to general employment in Northern Ireland. Consideration was also given to data routinely collected by HSENI under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997. Unfortunately data from these sources, whilst providing some information, has limited application when considering all Section 75 Groups.

Qualitative data was obtained by informal discussions with HSENI staff and other groups, which has helped shape the recommendations for improvement.

c) Key Findings (Policy B)

An assessment of the impact of the information and advisory service provided by HSENI on the equality of opportunity duty in respect of the nine Section 75 Groups has been carried out and this assessment is set out below.

Religious Belief

Quantitative and qualitative data on the religious belief of HSENI customers is not available.

The location of the HSENI offices at Ladas Drive, Belfast may be perceived to affect the promotion of equality of opportunity in relation to religious belief. In accessing information and advice at this location, it may be perceived that this service is more accessible for members of the Protestant Community as the Ladas Drive offices are located in an area that is perceived to be predominantly Protestant. HSENI provides a welcoming and neutral environment for all visitors to its offices and the service can be accessed through alternative means such as phone, including textphone, HSENI free phone Helpline, fax, e-mail and website.

HSENI has 2 fully trained health and safety advisors for small businesses, who have recently been joined by a further 5 advisors.

These advisors, who form part of Health and Safety Works NI, compliment the information and advisory services already available and, in addition to advisory visits by inspectors, they will also have the capability to visit all parts of Northern Ireland to provide tailored advice to customers. This office, based in Belfast City Centre, is equally accessible to Catholics and Protestants as is the Omagh Office, where one of the Business Advisors has a base.

In developing regional accessibility to services, HSENI is currently working on how best to provide appropriate, timely and practical health and safety information and advice through the university library network. HSENI has also established a regional office in Omagh, which has the potential to provide similar information and advice facilities as the Information and Advice Centre based at HSENI headquarters.

Despite any possible perception in relation to the location of the HSENI head office mentioned above, HSENI has no reason to believe that there is any adverse differential impact on HSENI customers with differing religious belief in the delivery of its information and advisory services.

Political Opinion

No quantitative or qualitative data is available on the political persuasion of HSENI customers in Northern Ireland. HSENI information and advisory service is provided to all customers regardless of political opinion or work sector associated or perceived to be associated with any political persuasion.

HSENI has no reason to believe that there is any adverse differential impact on HSENI customers with differing political opinion in the delivery of its information and advisory services.

Racial Group

There is no quantitative data available on the number of HSENI customers from each racial group seeking health and safety information and advice.

HSENI has a limited range of health and safety information in ethnic language formats produced by the HSE in Great Britain and these are available to customers in Northern Ireland in the following formats: -

- Health and Safety for All (Lithuanian, Polish, Portuguese);
- Gas safety (Urdu, Punjabi, Hindi, Bengali and Gujarati);
- Health and safety information for employees (Urdu, Punjabi, Hindi, Bengali and Gujarati);
- Health and safety in clothing factories (Bengali, Gujarati, Hindi, Punjabi, Turkish, Urdu and Vietnamese);
- Fire safety in small textile factories – a brief guide for employers (Bengali, Gujarati, Hindi, Punjabi, Turkish, Urdu and Vietnamese);
- Health and safety in the catering industry (Cantonese); and
- Bird flu (Czech, Latvian, Lithuanian, Polish, Portuguese, Romanian, Slovak, Tetum).

HSENI is aware of pockets of ethnic minority employment in all work sectors especially in the catering industry and the health services sector in Northern Ireland. As a result, a Cantonese publication based on Health and Safety in the Catering Industry was produced in partnership with the District Councils.

Employment of ethnic minority groups in the health services tends to concentrate in the professional grades and HSENI is not aware of any special information and advice needs of these staff.

HSENI is also aware of an increasing trend of migrant workers from a range of countries in a number of other work sectors such as agriculture, construction, food processing and construction. This is supported by information derived from the 2001 Census and a report published by the Institute for Conflict Research in June 2004. HSENI will continue to assess any special health and safety information and advice needs for these groups. HSENI has produced a publication to deal with general health and safety issues across a number of employment areas, and especially the high risk sectors, that can be used by people who do not have English as their first language. This booklet, known as the Universal Safety Booklet, has been distributed to over 8,000 of HSENI's customers to date.

Qualitative feedback from HSENI staff would indicate that a very small proportion of requests for information and advice arise from ethnic minority groups or migrant workers in Northern Ireland. HSENI will, however, explore any opportunities that facilitate an

increasing awareness of HSENI services for ethnic groups and migrant workers in Northern Ireland.

All HSENI's publications, including those produced in minority languages, are available to download from the website.

Although qualitative feedback from staff has not indicated any adverse differential impact on HSENI customers from ethnic minority groups, HSENI will continue with its measures to improve its information and advisory services for people who are not fluent in English.

Age

There is no quantitative data available on the age profile of HSENI customers requiring a workplace information and advisory service. Information and advice is provided on occupational health and safety issues to all who have an interest in, or may be affected by, work activities.

The focus of HSENI is to concentrate on those who create workplace risk as a result of work activities. HSENI has identified construction, agriculture and railways as high-risk sectors that pose a risk to the health and safety of children. Certain hazards have been identified in these sectors, for example, children may be attracted to playing on building sites, railway tracks or they could be tempted to play with dangerous equipment if they live on, or visit, farms.

In communicating health and safety messages to children, HSENI uses a variety of methods including a children's section on its website and the direct promotion of health and safety messages on a regular basis to children at school. Specific campaigns using safety characters such as Be Aware Bear have been developed in recent years to alert children to the dangers on farms and building sites. In alerting older children to the general dangers within the working environment, HSENI also produces a publication "Mind How You Go" which is targeted at 14-18 year olds before they enter the work environment. HSENI also participates in the Annual Child Week of Safety in the UK that acts as a focal point for the promotion of general safety messages to children.

The Child Safety on Farms Campaign has already provided information, in the format of a CD Rom containing literature and videos, to over 1,000 primary schools in Northern Ireland. A competition was held in 2007, and has been run again in 2009, which encourages them to participate in a poster design competition. A calendar was produced using the winning posters and distributed to farming families. The competition highlights the fact that farms, and associated activities, can present many dangers to children.

Informal feedback to date has indicated that the Child Safety on Farms Campaign has been well received and the actions taken by HSENI in relation to communicating health and safety messages to children are viewed positively.

Any initiative carried out by HSENI in relation to child safety is designed to have a positive impact on child safety and well being. HSENI has no reason to believe that there is any adverse differential impact on children or any other age group in the delivery of this service.

Marital Status

There is no quantitative or qualitative data available on the marital status of HSENI customers availing of the information and advisory service.

HSENI has no reason to believe that there is any adverse differential impact on customers of differing marital status in the delivery of its information and advisory services.

Sexual Orientation

There is no quantitative or qualitative data available on the sexual orientation of customers requiring a health and safety information and advisory service.

HSENI has no reason to believe that there is any adverse differential impact on customers of differing sexual orientation in the delivery of its information and advisory services.

Gender

According to the Northern Ireland Labour Force Survey, (quarterly supplement July-September 2009), the total number in employment was 754,000. This comprises of 401,000 males and 353,000 females. In promoting key workplace health and safety messages and themes, HSENI provides its services to all customers regardless of gender.

In seeking to improve health and safety at work standards in Northern Ireland, HSENI has currently prioritised its activities in the construction, agriculture and quarry sectors. These sectors have been identified as the highest risk sectors for serious injury/fatalities in Northern Ireland and are also recognised as being male dominated. Whilst there is recognition of bias of gender in these industries, HSENI prioritises its activities according to the health and safety performance of all work sectors and the greatest perceived areas of risk.

In providing information on all aspects of workplace health and safety, gender specific occupational risks have been recognised within certain industries. HSENI provides information on these risks where appropriate eg women of childbearing capacity who may be exposed to lead during work activities. Published guidance is also available for employers on how to conduct risk assessments for the pregnant worker.

Information provided by HSENI is designed to have a positive impact on all aspects of workplace safety including gender specific

risks where these have been recognised. There is no reason to believe that there is any adverse differential impact on customers of different genders in the delivery of HSENI's information and advisory services.

Disability

Quantitative data is not available on the number of HSENI customers with a disability although the July - September 2009 NI Labour Force Survey would indicate that 20% of persons of working age in Northern Ireland have a current long term disability. A much smaller proportion of people with a disability (31%) are in employment compared with people who do not have a disability (75%). Disability includes physical disability, sensory disability, mental illness or learning disability as defined in Sections 1 and 2 of, and Schedules 1 and 2 to, the Disability Discrimination Act (DDA) 1995. In promoting equality of opportunity, HSENI adheres to the relevant provisions of the Disability Discrimination Act 1995, including Part 3, which came into force in October 2004.

During the development of the Information and Advice Centre in 2001, HSENI gave careful consideration to improving the physical accessibility of its premises and facilities for people with a disability. These improvements have included the provision of ramps at the front entrance to the building and additional wheelchair accessible toilet facilities.

Qualitative feedback from staff has indicated that those customers with a disability, particularly people who are blind or partially

sighted or people who are deaf or hard of hearing, might potentially experience communication difficulties when using HSENI's Information and Advisory Service. Information and Advice Centre Staff will be on hand to give an assisted service if requested. For customers who are blind or partially sighted, the use of HSENI's Helpline is considered a useful method for the provision of advice.

Provision of health and safety information is currently available through audiotapes on the following subjects:-

- Officewise
- Homeworking
- Working with visual display units
- Gas appliances
- Maintaining portable electronic equipment.

HSENI's website also offers deaf or hard of hearing customers accessibility to tailored health and safety information via email request. Information can also be sought using the fax machine or more general information gathered from the website.

From previous discussions with Disability Action, it was recommended that HSENI should provide a "Text phone" to improve the provision of health and safety information and advice for customers who are deaf or hard of hearing. This service is now established and advertised on HSENI publications. HSENI will continue to ensure that the text phone number is included whenever the helpline number is advertised.

HSENI is aware of the need to make its website accessible to people with disabilities. In order to achieve this, any work on HSENI's website must be at least to a standard of WAI AA (Web Accessibility Initiative) and this is taken account of as part of any tendering exercises. Existing and future developments will, accordingly, meet the requirements of the Northern Ireland Civil Service's guidelines on website accessibility for people with disabilities.

HSENI has included a section on employment and disability within the reference library of the Information and Advice Centre. This will provide customers with a range of information within this area including the publication "Balancing Disability Rights and Health and Safety".

A safety publication has been produced to deal with general health and safety issues across a number of employment areas that can be used by people who do not have English as their first language. This can also be of use to people who have a learning disability.

There is therefore some evidence to indicate the potential of an adverse differential impact on customers with a disability. HSENI recognises the importance of ensuring that its service is available to all and continues to undertake a number of measures to improve customer services for people with a disability and to minimise any potential communication difficulties.

Dependants

There is no quantitative or qualitative data available on HSENI customers with dependants and those customers without dependants.

HSENI has no reason to believe that there is any adverse impact on customers who have dependants or customers without dependants in the delivery of its information and advisory services.

d) Promotion of Good Relations (Policy B)

In carrying out all of its functions, powers and duties, HSENI is very conscious of its statutory duty to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group. There is, however, limited opportunity to assess the communication of appropriate, timely and practical workplace health and safety information and advice with regard to this. HSENI will, nevertheless, continue to explore opportunities to promote good relations between different racial groups.

e) Conclusions (Policy B)

The aim of this Equality Impact Assessment is to determine if a differential impact exists on any of the Section 75 Groups and whether this differential impact is adverse. HSENI has concluded that whilst the potential for a differential impact is there, it will continue with its programme of measures to improve customer

services and, where possible, address potential adverse impacts across the Section 75 Groups. A number of ongoing actions are shown below:

- HSENI is committed to avail of opportunities to raise awareness of its services with ethnic minority and migrant worker representative groups (ongoing);
- HSENI currently stocks a number of health and safety information leaflets in various languages obtained from HSE(GB). These are included on HSENI's website and will be developed as and when new leaflets become available (ongoing);
- HSENI will continue to expand its stock of health and safety literature in alternative languages, based on new leaflets produced by HSE (GB) (ongoing).
- HSENI will continue to provide a free phone helpline, providing a dedicated service that will enable customer access to information regardless of location. To take account of new members of staff since the introduction of this service, and to provide refresher training for others, all Information and Advice Staff will undergo training in the use of the text phone and how best to provide assisted service at the Information and Advice Centre to a visitor with a disability (ongoing).

- HSENI will continue to review advertising of the textphone to ensure that the contact number is included whenever the helpline number is advertised (ongoing);
- Provision of health and safety information is currently available in limited capacity through audiotapes. Provision will be made for working alongside HSE(GB) in developing this part of the service (ongoing);
- HSENI will consider new methods for accessing in-house publications via current information technology for people who are blind or partially sighted (ongoing); and
- HSENI will ensure that any future development of its website will take account of any adverse impact on access issues for its customers with a disability (ongoing).

Policy C – EQIA

“To improving compliance with health and safety standards through inspection and investigation activities.”

a) Backdrop (Policy C)

Policy Definition

The HSENI policy to improve compliance with health and safety standards through inspection and investigation activities is highlighted as a core and fundamental component of its work within Corporate and Operating Plans. It is recognised that, in addition to other methods of securing compliance, inspection and investigation activities provide a very effective method of improving health and safety at work standards. In delivering these services, there are three distinct components of the policy. These are:

- The delivery of inspection services to determine health and safety at work standards. These are conducted on a proactive basis through an annual inspection programme that forms part of the annual HSENI Operating Plan. The main focus of inspection programmes is on key health and safety priority issues and on high risk sectors of work. Inspections can either be carried out on a routine basis with individual employers or as part of focused inspection campaigns that aim to focus resources and attention on issues that are of concern (eg falls from height in the construction industry).

- The delivery of investigation activities resulting from statutory accident / incident / ill-health reports being made to HSENI through the Reporting of Injuries, Diseases and Dangerous Occurrences (Northern Ireland) Regulations 1997 (RIDDOR). Investigations are also carried out as a result of complaints about workplace standards being made to HSENI. Complaints can be received from a range of customers, including employees, trade union safety representatives and members of the public, who may be concerned or affected by working conditions, or who may simply have an interest in health and safety at work.
- The enforcement of health and safety at work legislation through the use of prescribed enforcement powers (for example improvement and prohibition notices) and when necessary through prosecution of offenders in accordance with enforcement guidelines.

Delivery of Inspection and Investigation Services

As the regional authority for health and safety in Northern Ireland, HSENI is fully committed to the delivery of health and safety inspection and investigatory services that are responsive, customer-focused and targeted in the right areas to achieve maximum impact where it counts. To be effective, HSENI's limited resources must be aimed at industries that have a poor health and safety record, and less on those where the risks are well managed or are of low significance.

In response to this need, a number of operational groups have been established for the regulation of the high risk sectors of construction, agriculture, quarrying and general manufacturing. The focus of work undertaken by these teams is targeted at poor health and safety performers.

Other operational groups have responsibility for specific work areas and specialist areas of work. These include the health services, education, transport, local government, government departments and agencies. One group is responsible for the regulation of sites that are subject to the Control of Major Accident Hazards Regulations (NI) 2000. Each operational group is responsible for the development and delivery of an annual programme of work for their sphere of responsibility and input from all Groups is collated each year to produce an annual HSENI Operating Plan.

There are currently 44 field operational Inspectors and 6 Compliance Officers that are responsible for conducting workplace inspections and investigations. This includes 13 Inspectors who were recruited in March 2009. Most are based at the headquarters in Ladas Drive, Belfast but a number work from out-stationed offices in Coleraine, Cookstown, Enniskillen and Omagh.

In targeting resources, HSENI prioritises its field operational work to sectors and issues that cause a disproportionate number of injuries or cases of work-related ill health. At present HSENI has identified the construction, agriculture and quarrying sectors as the highest risk sectors. In addition, five major priority issues have

been identified. These are musculoskeletal disorders, work-related stress, falls from heights, transport at work and slips and trips.

Inspection Services

Health and Safety Inspectors and Compliance Officers appointed by HSENI under the Health and Safety at Work (Northern Ireland) Order 1978 have a range of powers under Article 22 of the Order to enable health and safety standards to be inspected and assessed and to take appropriate enforcement action.

Inspections of workplaces are carried out on a risk-related basis and in line with priority issues, to ensure that the law is being complied with, and to ensure that statutory minimum standards are maintained and, where necessary, improved, to reduce the number of work related injuries and cases of ill-health.

Inspections are generally carried out unannounced, but on occasions they may be arranged by appointment at mutually convenient times. In the case of focused inspection campaigns, all visits are unannounced and will generally focus on defined priority issues.

In the course of a routine inspection, an Inspector may examine specific parts of premises or work activities and will often check relevant documentation such as health and safety policies, risk assessments, training records, plant maintenance/inspection records and accident records.

The approach taken by inspectors during routine inspections is dependant on the size, structure and nature of the key health and safety risks of the business. In a small business, it tends to be of a more practical nature involving practical, targeted advice along with instruction and direction as necessary. In a larger company, with a defined management structure, the inspection may also involve discussions on the effectiveness of current health and safety strategies. Many inspections use a combination of approaches. During all inspections, there will be a focus on HSENI priority issues.

On completion of an inspection, the Inspector informs the employer on what further action is required. The Inspector confirms, on request, details of the required action in writing. This explains why remedial work is required and what timescale is involved, as well as the distinction between legal requirements and advice on best practice. Following the inspection, the employer may also be asked to confirm, in writing, the action they have agreed to take.

Depending on the circumstances found during the inspection, the Inspector may consider that it is necessary to take formal enforcement action. This procedure may involve the issue of an enforcement notice in the form of an improvement or prohibition notice. Enforcement notice provisions require action to be taken by the duty holder within a specified timeframe. In serious cases, for example, where an employer is a persistent or repeat offender or there are serious breaches of statutory provisions, a prosecution may be considered in accordance with HSENI's Enforcement Guidelines.

Workplaces are selected for inspection on a risk related basis arising from priority issues and sector intelligence. This is gathered from various sources including statistical information, complaints, accident reports, local knowledge and professional expertise.

Investigation Services

The HSENI Enforcement Guidelines provide direction to Inspectors on the selection of which complaints or reports of injury or workplace ill health to investigate and in deciding the level of resources to be used. It requires the enforcing authorities to take account of the following factors:

- the severity and scale of potential or actual harm;
- the seriousness of any potential breach of the law;
- knowledge of the duty holder's past health and safety performance;
- the enforcement priorities;
- the practicality of achieving results; and
- the wider relevance of the incident, including serious public concern.

There is a statutory duty to report certain incidents to HSENI. These are defined under the Reporting of Injuries, Diseases and Dangerous Occurrences (Northern Ireland) Regulations 1997 (RIDDOR). As set out in the HSENI Operating Plan, all fatalities are subject to investigation along with selected major injury accidents, over 3 day injuries, reportable diseases and dangerous occurrences, on the basis of risk or potential breach of legislation.

It is necessary for incident investigation to be conducted in a planned and methodical way to ensure that appropriate evidence is obtained, if necessary, and to ensure that investigatory activities are conducted in accordance with appropriate standards (e.g. in accordance with the rules of the Police And Criminal Evidence (Northern Ireland) Order 1989 (PACE). To that end, a specialist Major Investigation Team has been established to investigate most of the fatal work related incidents that are likely to lead to prosecution and major incidents of high public interest.

HSENI prioritises incident investigation on the basis of the severity of injury (or fatal outcome), the health and safety compliance track record of an individual business and public interest, as well as the need to protect vulnerable individuals or groups.

In collecting relevant information and evidence, incident scenarios are unique. It may be necessary to deploy a range of approaches and strategies in order to gain as full a picture as possible. This may include doing some or all of the following:-

- Preserving the scene of the incident.

- Interviewing the injured person – often this has to be arranged if hospitalised or recovering at home;
- Interviewing eye witnesses;
- Interviewing management and employee representatives as appropriate;
- Recording material information such as photographs;
- Copying or seizing documents;
- Taking samples or specimens for forensic examination.

The police will always be involved in the case of fatalities. They have a role in assembling material for the Coroner and may even assess the circumstances with a view to supporting a case for manslaughter. In any event, material obtained by either side may be shared subject to the disclosure restriction placed on HSENI by Article 30 of the Health and Safety At Work (Northern Ireland) Order 1978.

Once the investigation is complete, it is necessary to prepare a written incident report. There may be situations when the report will be interim, pending the completion of parallel investigations by the police in regard of inquests and manslaughter charges.

In any event, the detail and complexity of the report will depend on the nature of the incident and whether there is prima facie evidence of a sustainable breach of the law. The report and its recommendations are subject to internal challenge before deciding on a particular course of action.

Enforcement Activities

The HSENI Enforcement Guidelines set out the general principles and approach which HSENI will follow, and which other health and safety enforcing authority inspectors are also required to follow, when taking enforcement decisions. It provides guidelines on investigation, prosecution and death at work.

HSENI aims to see that the risks to people's health and safety arising from work activities are effectively controlled. In achieving this aim, HSENI has adopted a range of approaches, which include enforcement action. HSENI's Enforcement Guidelines aim to provide direction and ensure a fair, transparent and consistent approach to enforcement action by HSENI and by other Enforcing Authorities.

HSENI believes in firm but fair enforcement of health and safety law, and the guidelines embody this through 5 key principles of enforcement. These principles have been developed in accordance with the Enforcement Concordat which is used nationally and are outlined below.

- Proportionality in applying the law and securing compliance

- Targeting of enforcement action
- Consistency of approach
- Transparency about how the regulator operates and what those regulated may expect
- Accountability for the regulator's actions

The Guidelines give direction, subject to the above, as to when prosecution should normally be instigated.

Death at work

Where there has been a breach of the law leading to a work-related death, enforcing authorities are required to consider whether the circumstances of the case might justify a charge of manslaughter.

In Northern Ireland, to ensure decisions on investigation and prosecution are closely co-ordinated following a work-related death, HSENI, the Police Service for Northern Ireland and the Public Prosecution Service for Northern Ireland have agreed a protocol for liaison in cases of work-related deaths.

Other Enforcement Options

The Policy incorporates mention of the enforcement tools which inspectors may use in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Inspectors may offer duty holders information and advice, both face to face and in writing. Where appropriate, inspectors may also serve improvement and prohibition notices, issue formal cautions, and initiate prosecution proceedings.

A formal caution is a statement by an inspector, which is accepted in writing by the duty holder, that the duty holder has committed an offence for which there is a realistic prospect of conviction. A formal caution may only be used where a prosecution could be properly brought. Enforcing authorities are required to take account of current Home Office guidelines when considering whether to offer a formal caution.

A prohibition notice stops work in order to prevent serious personal injury. Every improvement notice contains a statement that in the opinion of an inspector an offence has been committed.

Formal cautions and prosecutions are important ways to bring duty holders to account for alleged breaches of the law.

In the case of public bodies with crown immunity, HSENI has introduced a Crown Censure procedure. This is an administrative arrangement to hold the public body to account when there have been serious breaches of health and safety legislation.

b) Data Collection (Policy C)

This equality impact assessment has been completed using available qualitative and quantitative information. HSENI consulted with the Northern Ireland Statistics and Research Agency for data relating to general employment in Northern Ireland and to assemble relevant information about some of the work sectors that are subject to its inspection and investigatory work.

Although HSENI does not routinely ask or record specific information during its inspection and investigation activities, it has sought to identify Section 75 Groups who may be affected by any aspect of this policy. Qualitative information was therefore obtained through informal consultations with several representative groups. A number of useful recommendations resulted from these consultations and these have been incorporated in improvements to HSENI services.

Research obtained from the 2001/2002 Social Survey of Farmers and Farm Families report was also analysed. The report, published as a National Statistics Publication, provided statistical information on the distribution of farmers in Northern Ireland in terms of age, gender, marital status, religious belief, racial grouping, disability and dependants. Although detailed information of this type is not available for all work sectors, or to determine definitive employment patterns for Section 75 Groups, HSENI is continuing to make use of information of this nature to further develop and improve exclusivity and balance in approaching its work.

HSENI has also researched sources of statistical information from the Northern Ireland Labour Force Survey and the Northern Ireland Population Census. The Labour Force Survey provides information concerning general analysis of the working population by work sector, age, gender, marital status, disability and existence of dependents. It also contains statistical information about types of accidents within some industry groupings. Many of the sector returns, however, are too small to support statistically significant estimates and the Survey does not provide analysis relating to some of the Section 75 categories.

c) Key Findings (Policy C)

In general, HSENI carries out inspections and investigations in accordance with health and safety at work priorities. Decisions to inspect, investigate and if necessary enforce, are taken essentially on the basis of safety record, safety competence and the risk profile of any organisation or industry.

HSENI regards itself as an organisation with high professional standards and it does not attempt to categorise groups or make advance judgements of the motives or status of individuals.

There is no apparent evidence of negative feedback from the public on these aspects. During an independent Customer Satisfaction Survey amongst persons who had been subject to inspection and/or investigation from HSENI, high levels of satisfaction were expressed by people from a broad range of work environments.

HSENI recognises the need to make special provision during investigations when dealing with children, young people and those with learning difficulties. Procedures to be followed in these circumstances are detailed in the rules of PACE

During interviews with individuals who may have contravened the requirements of a statutory provision, HSENI follows the appropriate caution procedures and provides adequate time for them to consult legal or other advisers. Time will be allowed if translation of documents to other languages is required.

HSENI seeks to follow established national guidelines to keep bereaved relatives and others informed of its involvement in formal investigations. Requests for disclosure of information are dealt with fairly and in accordance with Article 30 of the Health and Safety at Work Order. We have provided specific training for inspectors required to deal with traumatic investigations such as those involving the death of children in accidents on family farms.

With regard to the decision making process for prosecutions within the Enforcement Guidelines, HSENI gives consideration to the Code for Crown prosecutors. This Code provides a number of common public interest factors against prosecution in certain circumstances and the Enforcement Guidelines require that these are taken account of in the prosecution decision making process.

The factors against taking a decision to prosecute are:

- That a prosecution is likely to have an adverse effect on the victim' s physical or mental health, bearing in mind the seriousness of the offence.
- The defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated.

The Code for Crown Prosecutors permits 'preferential' treatment in these circumstances and HSENI takes the view that in such cases this is justifiable. In taking these factors into consideration there is therefore a positive impact on the relevant Section 75 Groups.

The following specific conclusions are made with regard to the nine Section 75 Groups:-

Religious Belief

Quantitative and qualitative data on the religious belief of HSENI customers is not available. Although HSENI is aware of general patterns of religious belief distribution within the community, it does not collect or monitor this information during the course of its inspection and enforcement activities. Workplaces in all areas of Northern Ireland are subject to inspection and investigation through the work of Inspectors.

Religious belief is regarded by HSENI as a neutral factor in the conduct of its inspection, investigation and enforcement activities.

HSENI has therefore no reason to believe that there is any adverse differential impact on its customers as a result of any religious belief.

Political Opinion

HSENI does not collect or have access to qualitative or quantitative information about the political opinion of its customers. We believe that inspection and investigation work is carried out in a professional and impartial manner regardless of the area, work sector or perceived political opinion of persons at work.

HSENI has no reason to believe that there is any adverse differential impact on persons of differing political opinion as a result of its inspection and investigation work.

Racial Group

HSENI does not have access to quantitative information concerning the distribution of racial groups within the Northern Ireland workforce. Information from field inspectors, however, shows an apparent increasing trend of employment of migrant workers across a range of industries such as agriculture, food processing, general manufacturing and construction. Inspectors carrying out inspection visits within these sectors routinely check if migrant workers are part of the work force and if the statutory requirements are being observed. Inspectors also visit employment agencies, which organise the supply of migrant

workers to employers, to check on arrangements for health and safety management.

Although HSENI does not currently have quantitative information to suggest that migrant workers are at significant risk in the work place, their situation, particularly with regard to training, the understanding of warning notices and general health and safety procedures is subject to ongoing scrutiny. Specifically for the construction industry, HSENI published a pictorial booklet on health and safety aimed at workers who were unable to read or understand English. This is available for workers who are non-English speaking and for people who are illiterate.

HSENI is aware that it must have a capability to communicate with non-English speaking people during inspection or investigation in a workplace. The organisation has in place options for the provision of translation services for both written material and verbal conversations in a wide range of languages for this purpose.

HSENI is aware of the increasing racial diversity in the Northern Ireland workforce and is taking steps to improve its ability to communicate with individuals and groups where there may be language difficulties. In conducting investigatory work into serious accidents/incidents, provision has already been made to obtain necessary witness statements.

All reports by inspectors are scrutinised by line managers to ensure equal treatment of all as a result of inspection and investigation activities.

Age

HSENI has access to generic public statistics on the age distribution of people within the Northern Ireland workforce. We also formally record the age of victims during the investigation of accidents. When accidents are reported to HSENI under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997, there is provision for the age of the affected person to be recorded on the form. On the basis of this information, HSENI takes account of age categories when drawing up its policy on inspection and enforcement. For example, it is known that young children are at risk on working farms and so emphasis is placed on the enforcement of statutory requirements for secure fencing of all liquid storage areas and the segregation of children from moving tractors. In a similar way, HSENI requires construction sites to be secured to avoid unauthorised entry by children. The Management of Health and Safety at Work Regulations (Northern Ireland) 2000 also require employers to make special provision for the immaturity and inexperience of young people in the work place. Where appropriate, during visits, HSENI also draws attention to the known additional risks to older people in certain work activities such as working with cattle on farms.

HSENI therefore considers itself to have a protective role for vulnerable age groups and that there is a positive impact on persons on account of their age arising from inspection or investigation visits to workplaces. HSENI has launched an Older, Safer, Wiser Campaign that aims to highlight the risks to older

farmers. HSENI is also continuing with the “Be Aware ” child safety on farms campaign aimed at eliminating child deaths on farms and will be introducing a Safestart program aimed at young people in high risk sectors.

Marital Status

Although generic data is published for some sectors via the Northern Ireland Labour Force Survey, HSENI does not gather or have access to specific information about the marital status of persons who are subject to its inspection or investigation procedures.

HSENI has no reason to believe that its inspection and investigation activities has any adverse differential impact on persons of differing marital status.

Sexual Orientation

HSENI does not have access to quantitative or qualitative information concerning the sexual orientation of persons within the workplaces which it visits.

We have no reason to believe, however, that our policies and procedures, in respect of our inspection and investigation activities, have any differential adverse impact on persons of differing sexual orientation who work at the premises and sites which we visit.

Gender

According to the Labour Force Survey Quarterly Supplement (July to September 2009) 754,000 people (which breaks down to 401,000 males and 353,000 females) were in employment in Northern Ireland.

The majority of health and safety legislation is non-gender specific although there are legal provisions relating to the protection of new/expectant mothers and for women of childbearing capacity. Every January, for example, HSENI in association with the Department of Health, Social Services and Public Safety (DHSSPS), issues a press release 'Advice to pregnant women during the lambing season' in recognition of the known health risks for women associated with this type of work.

To achieve compliance with legislation, HSENI sometimes issues prohibition or improvement notices. HSENI's recent records on enforcement notices issued indicate that the majority are served in agriculture, construction and quarrying. These sectors have been identified as the highest risk sectors for serious injuries/fatalities and are also recognised as being male dominated. Whilst there is recognition of bias of gender in these industries, HSENI prioritises its activities according to the health and safety performance of all work sectors and the greatest perceived areas of risk.

HSENI has currently declared priority issues as being musculoskeletal disorders, stress, falls from heights, transport at work and slips & trips. These issues are not gender based but it is

recognised that some of these issues are prevalent in industries that may have a particular gender majority. For example, serious injuries arising from falls from height occur in the construction industry which is a male dominated industry. Work related stress is common in education, which is female dominated. Manual handling is a historical problem with the nursing professions which is female dominated. Thus in targeting health and safety priority issues, a gender bias in inspecting these issues may occur by default.

At present HSENI does not correlate data on the gender of its customers, i.e. the number of males and females in premises visited by HSENI during the course of its work. HSENI does, however, record the gender of persons subject to accident reports. Gender is also recorded on the NI2508 accident report form, which is completed by employers to report any fatalities, major injuries, and over-3-days injuries at work. From these, HSENI selects, in accordance with its selection criteria, incidents for investigation.

100% of all work-related fatalities are investigated regardless of gender. Records show that for the period 1 April 2007 to 31 March 2008, 467 major injury accidents occurred to males compared to 109 for females. When the investigation criteria were applied 49 accidents to men and 5 accidents to women were subject to specific investigation.

The primary objective when HSENI carries out inspections or investigations is to achieve compliance with health and safety legislation irrespective of gender. HSENI has no reason to believe

that there is any adverse differential impact on customers of different genders in the delivery of inspection or investigation services.

Disability

HSENI takes account of the fact that the Northern Ireland Labour Force Survey July – September Quarterly Supplement, has recorded that approximately 20% of the employed population in Northern Ireland have some form of disability. Inspectors check for the involvement of people with a disability during inspection or investigation visits. Employers are legally required to take account of the competences and disabilities of their work force when carrying out their risk assessments. HSENI does not currently formally record the proportions of persons with a disability at specific work places. We consider, however, that our activities in inspection and investigation in the workplace do have an overall beneficial effect for people with a disability.

Dependants

For most workplaces, HSENI believes that it is relatively rare for dependants, such as children, to be present. However within some sectors, such as agriculture, children are often present on family farms and may be at risk from the work activities going on there. In enforcing the legislation, HSENI gives priority to the protection of this group from known hazards as well as providing accident-prevention guidance and information for parents and other managers of farm businesses. The Agriculture (Safety of Children

and Young Persons) Regulations (Northern Ireland) 2006 restrict the age of young persons operating agricultural machinery and prohibit the carrying of children on tractors. HSENI also continues to lead the “Be Aware” child safety on farms campaign aimed at eliminating all work-related child deaths on farms.

d) Promotion of Good Relations (Policy C)

HSENI is conscious of its statutory duty, when carrying out all of its functions, powers and duties, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group. In relation to its inspection and investigation procedures, HSENI carries out its functions in an inclusive manner and makes its services available to all. In addition HSENI can and does use its promotional events to foster good relations.

e) Conclusions (Policy C)

The purpose of this Equality Impact assessment is to determine if a differential impact exists for any of the Section 75 Groups and if the differential impact is adverse. HSENI has concluded that, in the main, its inspection and investigation activities have a neutral effect on Section 75 Groups. Where impact has been identified it is of a positive nature, for example the issue of brief guidance (including a summary in 22 languages) entitled ‘Your health, your safety: A guide for workers’ aimed at increasing understanding amongst Section 75 Groups.

No further actions have been identified as a result of the EQIA on this policy other than ongoing monitoring in relation to customer feedback and analysis of complaints and the ongoing training of HSENI staff, to ensure that a high standard is set for interaction with employers, employees, self-employed people and the general public when carrying out its inspection and investigation work.

Policy D – EQIA

“To ensure that an effective and up-to-date health and safety at work regulatory framework is maintained.”

a) Backdrop (Policy D)

HSENI is structured into three general Divisions comprising Compliance Division, Services Division and Support Division. While legislation policy and the preparation of proposals for regulations is, for the most part, a ‘back office’ activity, it interfaces with all three divisions. For example, inspectors with specialist knowledge in particular subject areas provide a practical, experienced input to Consultation and Guidance documents as well as the draft proposals for regulations.

Northern Ireland’s health and safety legislation is separate from that of Great Britain, but it has been long standing policy that the health and safety regulatory framework should match that of Great Britain.

HSENI’s key objective regarding its legislative policy is “to ensure that an effective and up-to-date health and safety at work regulatory framework is maintained.”

In pursuance of this objective HSENI will:

- ensure that due account is taken of relevant EU Directives;

- ensure that legislative parity with Great Britain is maintained, where appropriate; and
- ensure that appropriate and proper consultation is undertaken in relation to HSENI's proposals to introduce new Regulations and Approved Codes of Practice.

In working to achieve this objective, HSENI submits proposals for new health and safety legislation to DETI, the Minister for Enterprise, Trade and Investment, the ETI Committee and, if appropriate, the Assembly's Executive Committee. This policy has been reinforced in recent years by an increasing flow of European Directives dealing with health and safety at work, which require uniform legal implementation throughout the United Kingdom.

In developing its policy, HSENI follows the principles of good regulation as adopted by the UK Government ensuring that it is:-

- transparent- legislation must be clear and easy to understand with its aims written in clear, simple language; people and businesses as part of the consultative process are given the opportunity to comment and time to comply with its requirements before it comes into effect;
- accountable- HSENI answers to the Assembly/Ministers and the public for any legislation it proposes, with appeal procedures for enforcement actions embodied within;

- targeted- legislation is focused to reduce any side effects to a minimum; it is usually goal based and reviewed for its effectiveness;
- consistent- new legislation is consistent with existing regulations in the context of health and safety and other related subject areas and is compatible with international law and standards; and
- proportionate - the effect which regulations have on people and businesses; the balance between risks and costs and that alternatives to state regulation are fully considered.

In following these principles, a wide range of options are considered in the development of any legislative initiative. It starts with the collecting of evidence to see if legislative intervention is justified. Alternative solutions including non-legislative ones are considered, their impacts assessed, and associated existing legislation considered for contradictions and/or compatibility.

Consultation on Legislation

Once a legislative proposal has been developed, approved by the HSENI Chief Executive or Deputy Chief Executive, the Minister for Enterprise, Trade and Investment, and the ETI Committee and, if appropriate, the Assembly's Executive Committee, a Consultation Document (CD) is issued for public comment setting out the options. It may also include draft guidance and/or an Approved Code of Practice to support the legislative proposals. The process

is designed to obtain broad public support, avoid unintentional consequences, produce a solution that is enforceable and also balances risks, costs and benefits.

HSENI is particularly concerned that its proposals do not adversely impact upon, or discriminate unfairly against, any person or minority group. To help ensure that this is the case, HSENI's list of consultees, in the Appendix , includes the Section 75 Groups. This approach provides independent equality proofing of the proposals by any group or groups who may consider themselves disadvantaged by them and allows for any issue(s) raised to be addressed before they become law.

Since the Health and Safety Executive for Northern Ireland was established in 1999 no adverse comments have been received in respect to the proposed content of regulations impacting adversely on the Section 75 Groups.

HSENI now publishes all its CD's on its website (www.hseni.gov.uk). The documents are in portable document format (PDF), which is universal and allows anyone with the necessary software, (available free), to download, read, copy and print the document as required.

HSENI Consultees, however, are still notified by letter of the publication of CD's. It provides a brief description of the proposals and offers a printed copy free. Executive Summaries can be made available in accessible formats including Braille, large print, disc,

audio cassette or in Irish, Ulster Scots or other languages of the minority ethnic communities in Northern Ireland, if requested.

HSENI tries to make its Consultative Process as thorough and open as possible. Responses to any set of legislative proposals issued for public comment are kept at the office of HSENI after the consultation period, where they may be inspected by members of the public or be copied by them.

Regulatory Impact Assessment

All legislative proposals and published guidance that have an impact on businesses, charities, social enterprise, voluntary bodies or the public sector are supported by a regulatory impact assessment (RIA). This:-

- identifies the problems and specific objectives of the proposals;
- assesses the risks;
- compares the benefits and costs of a range of options including the 'do nothing' case and non-regulatory solutions;
- summarises which sectors bear these costs and benefits;
- identifies any equality issues and how they might be addressed; and

- outlines the impact on small firms and any measures to help them to comply.

The impact assessment develops throughout the policy process and a draft forms part of the CD. Any feedback is then used to refine the proposals.

Evaluation and Review

The success of the legislation will be judged against how well it meets its objectives. Legislation, once introduced, is normally evaluated against a pre-determined timetable and kept under review, usually after five years.

Equality Issues - the European Dimension

The interaction of equality issues with health and safety legislation is not new. Article 119 of the Treaty of Rome 1957 provided the foundation for a series of Directives that now form a platform of rights on equal treatment. For example, The Sex Discrimination (Northern Ireland) Order 1976 and the Employment (Miscellaneous Provisions) Order 1981 removed provisions of the Factories Act (Northern Ireland) 1965 that restricted overtime, shift working and the hours of work for which women and young people could be employed.

This reflects the fact that health and safety at work constitutes one of the European Union's most concentrated and important social policy sectors. It has adopted a global approach to well being at

work, taking account of changes in the world of work and focuses on the emergence of new risks, especially those of a psycho-social nature, and their possible remedy.

HSENI's approach reflects the EU concepts of consolidating a culture of risk prevention, by using a variety of measures of which legislation is but one. HSENI continues to develop its dialogue with its social partners; promoting corporate social responsibility, the use of best practice and health promotion in the workplace.

There is now a developed body of EU law embedded in UK legislation. While regulations made by HSENI are equality proofed, in as far as it is able to do so, there are a number of legislation equality issues over which it has no control.

b) Data collection (Policy D)

The Equality Impact Assessment below has been completed using available qualitative and quantitative information. HSENI has been able to consider data from the 2001 Census and the Department of Enterprise, Trade and Investment Monthly Labour Market Report (October 2008) for quantitative data relating to general employment in Northern Ireland and the Labour Force Survey July – September 2009, which indicated that 754,000 people were classified as being in employment during this period. The statistics for the number of people of working-age in employment in Northern Ireland was 729,000 down by 35,000 over the previous year.

Consideration was also given to data routinely collected by HSENI

under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997. Unfortunately data from these sources, whilst providing some information, has limited application when considering all Section 75 Groups.

Qualitative data was obtained by informal discussions with HSENI staff and other groups, which has helped shape the recommendations for improvement.

c) Key Findings (Policy D)

An assessment of the impact of HSENI's policy on maintaining a health and safety regulatory framework on the equality of opportunity duty in respect of the nine Section 75 Groups has been carried out and this assessment is set out below.

Religious Belief

Legislation to provide protection for employees will apply equally to men and women regardless of their religious belief and HSENI has no reason to conclude that health and safety legislation will impact on the religious belief of any group of people at work. For example, hours of work are not restricted for men or women, but there is no compulsion in health and safety legislation for a person to work on a day held special by their faith. Similarly, slaughter of animals in accordance with religious custom is not constrained by the protection from harm of the workforce employed.

Political Opinion

No quantitative or qualitative data is available on the political beliefs of people affected by HSENI's legislation policy. This is viewed as a statistical cross section of the community. Legislation policy and development is neutral with regard to impact on political belief, being concerned only with safety of the workforce. HSENI has no reason to believe that there is any differential impact on employers or employees by virtue of their political beliefs.

Racial group

There is no quantitative information on employment by racial group in the data available to HSENI.

HSENI has not received any comments from a group which identified themselves as representing a specific race community. Legislation is published in the national language by the Stationary Office, to which requests for copies of regulations in other languages should be addressed.

As noted earlier, HSENI will provide copies of the executive summary of a consultation document in other languages and will provide guidance material in a range of other languages. The guidance material is available from:

Health and Safety Executive for Northern Ireland
Information and Advice Centre

83 Ladas Drive

Belfast, BT6 9FR

Helpline: 0800 0320 121, Text phone: 028 9054 6896

Fax: 028 9054 6811

Email: hzeni@detini.gov.uk

Age

The Census of Population gives the number of people employed between the ages of 16 and 74 by broad industry sectors. In general, health and safety legislation deals with the capability of an individual to perform certain tasks, however, young people and children are afforded special protection from hazards, such as dangerous machinery or ionising radiations.

Existing health and safety legislation provides a framework to protect the health and safety of children and of young people at work. Children under 13 are generally prohibited from any form of employment; children between 13 and the minimum school leaving age may not work in industrial undertakings such as factories, construction sites etc. (There are however, special arrangements for school children to get work experience.) HSENI did note the desire of some organisations to retain provisions which allowed 13 year olds to drive tractors. The number of accidents involving children and machinery, however, indicated a need to improve the protection of young people and was a factor which ultimately led to restrictions on the use of agricultural machinery by children over 13 years of age

and young people, by setting out a series of conditions to help minimise the risk (the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006).

The Management of Health and Safety at Work Regulations (Northern Ireland) 2000 require employers to take particular account of risks to vulnerable groups, including young people, when undertaking risk assessments and making the relevant arrangements, including preventing young people undertaking certain types of work.

There are exceptions for young persons who are no longer children where the work is necessary for their training. They have to be supervised, however, by a competent adult and any risk has to be reduced to the lowest level that is reasonably practicable. These provisions implement EC Directive 94/33/EEC - Protection of Young People at Work.

Marital Status

There is no quantitative or qualitative data available on the marital status of HSENI customers.

HSENI has no reason to believe that there is any adverse differential impact on customers of differing marital status in the development of health and safety legislation.

Sexual Orientation

There is no quantitative or qualitative data available on the sexual orientation of customers affected by HSENI's legislation policy.

HSENI has no reason to believe that there is any adverse differential impact on customers of differing sexual orientation in the development of health and safety legislation.

Gender

In general, health and safety legislation will apply regardless of a person's gender. The Management of Health and Safety at Work Regulations (Northern Ireland) 2000, however, provide additional protection for women of child-bearing age from certain work activities and work processes. Similarly, the Control of Lead at Work Regulations (Northern Ireland) 2003 set "action levels" at which an employer must take reasonable steps to reduce blood-lead levels for his employees regardless of age or gender, with lower levels set for young people and women of reproductive capacity. The Regulations also set a "suspension level" at which a doctor may suspend any employee from work. Here again, the level is lower for young people and women of reproductive capacity.

These regulations implement, in part, Council Directive 98/24/EC.

Disability

Disability as defined in sections 1 and 2 of, and in Schedules 1 and 2 to, the Disability Discrimination Act 1995 (“the DDA”) includes physical disability, sensory disability, mental illness and learning disability.

The NI Labour Force Survey Quarterly Supplement (July – September 2009), estimates that almost one in five (20%) persons (221,000) of working-age in Northern Ireland have a current long-term disability, as covered by the DDA and/or a work-limiting disability. In promoting equality of opportunity, HSENI adheres to the relevant provisions of the DDA and has revised its services in response to part 3 of the Act, which came into force in October 2004.

Employers’ ‘concern’ about health and safety issues has been identified as an artificial barrier to the employment of people with a disability. The Health and Safety at Work (Northern Ireland) Order 1978, however, requires that employers exercise a general duty of care towards all their employees. Most employees with a disability neither require nor seek health and safety provisions beyond those already in place for the workforce as a whole. The duty of care extends to ensuring that people with a disability are not exposed to workplace environments that become hazardous as a consequence of their disability. Employers are required by the DDA to make reasonable adjustments to accommodate the needs of the people they employ with a disability.

It is against this background that HSENI produced the booklet, 'Balancing Disability Rights & Health and Safety Requirements', working in partnership with Disability Action, the Equality Commission for Northern Ireland and the District Councils in Northern Ireland.

The booklet is targeted at employers and aims to clarify their responsibilities under both DDA and workplace health and safety legislation. It explains the main issues and uses case studies to illustrate what practical steps can be taken to make reasonable adjustments and still comply with the requirements of health and safety legislation. It also provides information on local sources of advice.

Dependants

There is no quantitative or qualitative data available on customers who have dependants and those without dependants affected by HSENI's legislation policy.

In general terms, health and safety legislation will apply to customers who have dependants in the same way that it applies to customers without dependants. The Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006, however, protect the health and safety of children and young people from risks arising from agricultural activities. Uniquely as workplaces, many farms are co-located with family homes, which increase the likelihood of the presence of children in a high-risk

industrial workplace. The Regulations cover all children and young people on the farm including the sons and daughters of farmers, invited friends or visitors. An approved code of practice is available to provide guidance and advice on how to comply with the Regulations.

HSENI has no reason to believe that there is any adverse differential impact on customers with dependants and those without dependants in the development of health and safety legislation.

d) Promotion of Good Relations

The development of legislation does not, in itself, promote good relations between persons of different religious belief, political opinion and racial groups. There are, however, other areas of HSENI's work which can and are being used to address the issue of good relations, eg the provision of information and advice.

e) Conclusions

The conclusions of the assessment of the impact of HSENI's legislative policy on the equality of opportunity in respect to Section 75 Groups are set out below in both general and in particular terms.

The purpose of this Equality Impact Assessment was to determine if HSENI's Legislative Policy created any differential impacts on Section 75 Groups and, if so, whether it was seen as being adverse. HSENI's policy is largely determined by the requirements

of the European Union whose aim is to have in place a comprehensive legislative framework using a holistic approach to health, safety and equality.

The legislative policy of HSENI and its predecessors has always been open to public scrutiny, as outside consultation is an integral part of the legislative process.

The Regulatory Impact Assessment (RIA) forms part of the proposals to make regulations and is included in Consultative Documents. It identifies relevant issues, including any that impinge upon equality. This enables any Group(s) or individuals who may feel disadvantaged by the proposals to raise issues of concern and have them addressed before they become law.

While certain aspects of health and safety legislation may on the surface be thought to be discriminating, they are not. The measures have been put in place for the good of individuals, implementing the requirements of EC Directives. The protection provided applies equally to all Section 75 Groups. HSENI is pleased to be able to report that since its establishment, no unfavourable comments have been received from any Section 75 Groups on the content of regulations that may have impacted on them.

HSENI's approach in implementing its legislative policy is seen to be transparent, accountable, targeted, consistent and proportionate. Indeed, even after regulations have been made, copies of and responses to any of its legislative proposals issued

for public comment are kept at HSENI's offices after the consultation period ends, where they can be accessed and copied by members of the general public.

Executive summaries will continue to be made available, on request and free of charge, in alternative formats, including Braille, large print, disc and audio cassette or in Irish, Ulster Scots or other languages of the minority ethnic communities in Northern Ireland.

There are now few circumstances in which health and safety issues can be used legitimately to discriminate against employees with a disability at work. Not only does the Health and Safety at Work (Northern Ireland) Order 1978 require employers to exercise a duty of care to all employees, including the ones with a disability, the Workplace (Health, Safety and Welfare) Regulations requires employers to make any physical changes necessary to take account of the needs of their employees with a disability; complementing the provisions of the DDA.

The protection provided by the legislation applies to all people at work, regardless of their gender, age, religious belief, political opinion, racial group, marital status or sexual orientation. Health and safety legislation provides additional protection from hazards for people deemed to be vulnerable; in particular women of child bearing age, young people and children.

The conclusion is, therefore, that HSENI's legislative policy on ensuring an effective and up to date regulatory framework for

health and safety at work is maintained does not result in any adverse impact.

4. Summary of EQIA Actions to be taken

<i>Policy A – To promote key workplace health and safety messages and themes to targeted sectors and groups.</i>		
Policy Area	Action	Target date
A	As part of the planning process for events, continue to take account of the need for regional accessibility	Ongoing
A	Internal survey to determine the range and needs of migrant works in the workplace	February 2010
A	Continue to stock alternative language publications and monitor needs of customers	Ongoing
A	Determine the potential for accessibility and communication issues at events and ensure appropriate measures are taken	Ongoing
A	Provision of an assisted service for the completion of booking forms over the telephone	Ongoing
A	Training to be provided, as required, to ensure that all Information and Advisory staff are familiar with the use of the Text phone and can provide an assisted service	Ongoing
A	Any developments of HSENI’s website will meet the NICS Guidelines on website accessibility for people with disabilities	Ongoing

<i>Policy B – To communicate appropriate, timely and practical workplace health and safety information and advice.</i>		
Policy Area	Action	Target Date
B	Avail of appropriate opportunities to raise awareness of its services with ethnic minority representatives and migrant worker groups	Ongoing
B	Ongoing publication of ethnic minority language leaflets in hard copy and on HSENI’s website as and when new leaflets become available	Ongoing
B	Continued expansion of HSENI’s stock of health and safety literature in alternative languages based on new leaflets produced by HSE GB	Ongoing
B	Ensure that new members of IAS staff are trained in the use of the text phone & provision of an assisted service in the Information and Advisory Service for a visitor with a disability	Ongoing
B	Review current advertising of the text phone to ensure consistency of use with helpline number	Ongoing
B	Development of the provision of audiotapes for IAS in line with work carried out by HSE (GB)	Ongoing
B	To consider new methods for accessing in-house publications via current information technology for those who are blind or partially sighted	Ongoing
B	Development of HSENI’s website to take account of the needs of customers with a disability.	Ongoing

<i>Policy C – To improve compliance with health and safety standards through inspection and investigation activities</i>		
C	No further actions required at this time	
<i>Policy D – To ensure that an effective and up-to-date health and safety at work regulatory framework is maintained</i>		
D	No further actions required at this time	

Good Relations

Policy Area	Actions	Target Date
A	Continue to explore opportunities for promotion good relations between people of different religious/racial Groups	Ongoing

5. Monitoring Arrangements

The impact on equality of opportunity in relation to section 75 groups will be monitored on an ongoing basis. Monitoring arrangements will include customer feedback, analysis of any complaints and a review of progress against plans. Monitoring exercises will also consider the equality implications of any changes to the information and advisory services. HSENI also carries out regular Customer Evaluation Surveys seeking information on all the various aspects of its inspectorate work.

HSENI regularly monitors the impact its legislative policies have on the equality of opportunity in respect to Section 75 Groups and welcomes comments on how it can improve its legislation making process. Monitoring exercises in relation to its legislative policy are, in effect, carried out on every set of legislative proposals issued for public comment through the mechanism of the Regulatory Impact Assessment that, among other things, identifies and highlights equality issues.

HSENI also gets feedback on its legislative policy, again by way of the consultation process, in the form of comments received from organisations and individuals. For the most part, however, the information received is not broad based enough to be broken down in terms of individual Section 75 Groups. HSENI will continue to seek alternative indicators to demonstrate that its policies do not have an adverse or differential impact on Section 75 Groups.

It has not been HSENI's practice to collect data on the uptake of its services by persons from Section 75 groups. HSENI, however, also recognises that its access to data concerning the involvement of Section 75 Groups in the Northern Ireland workforce is limited. In the future, and in light of the requirements of the revised Equality Schemes, HSENI will attempt to identify opportunities to collect as much data as possible across the nine Section 75 Groups in terms of the uptake of its services.

6. Publication of Equality Impact Assessment

This Equality Impact Assessment can also be found on the HSENI website at: www.hseni.gov.uk . Copies of the equality impact assessment are available in print form. An executive summary in other accessible formats, for example Braille, large print, disc, audio cassette or in Irish, Ulster Scots or languages of the minority ethnic communities in Northern Ireland, will be available upon request. If required please contact:

Louise McQuillan
Health and Safety Executive for Northern Ireland
Corporate Services Division
83 Ladas Drive
Belfast BT6 9FR
Tel: 028 9024 3249 Text phone: 028 9054 6896
Fax: 028 9023 5383
email: louise.mcquillan@detini.gov.uk

The publication of this Equality Impact Assessment has been drawn to the attention of the public by advertisements in the three Belfast daily newspapers and the North West edition of the Belfast Telegraph.

7. Consultation

This Equality Impact Assessment (EQIA) is being brought to the attention of all the groups and individuals listed in the Appendix for comment. The consultation period will last at least twelve weeks.

Comments should be submitted by 3 pm Friday 21 May 2010 to :

Miss Lorna Brown

HSENI Equality Unit

83 Ladas Drive

Belfast BT6 9FR

E-Mail: lorna.brown@detini.gov.uk

HSENI would like to thank all consultees who have taken the time to consider this Equality Impact Assessment. All responses will be carefully considered and where possible will be reflected in the final copy of this policy document.

APPENDIX

Consultation List

Age Concern

Age Sector Platform

Alliance Party of Northern Ireland

Amalgamated Engineering & Electrical Union

An Munia Tober

Antrim Borough Council

Archbishop of Armagh and Primate of All Ireland

Ards Borough Council

Ards Business Centre

Argyle Business Centre Ltd

Armagh Business Centre Ltd

Armagh City & District Council

Aspergers Network

Autism NI (PAPA)

Ballymena Borough Council

Ballymena Business Development Centre Ltd

Ballymoney Borough Council

Banbridge District Council

Banbridge Enterprise Centre

Bar Council c/o Royal Courts of Justice

Belcoo Enterprise Ltd

Belfast City Centre Management

Belfast City Council

Belfast Centre for the Unemployed

Belfast Hebrew Congregation

Belfast Islamic Centre

Bishop of Down and Connor

Brookfield Business Centre Ltd

Bryson House

Business in the Community

Cara Friend

Carers' National Association (Northern Ireland)

Carrickfergus Borough Council

Carrickfergus Enterprise Agency Ltd

Castleberg & District Enterprises Co Ltd

Castlereagh Borough Council

Castlereagh Enterprises Ltd

Cedar Foundation

Chief Executives Forum

Children In Northern Ireland

Children's Law Centre

Chinese Chamber of Commerce

Chinese Welfare Association

Coalisland & District Development Association

Coalition on Sexual Orientation (CoSo)

Coleraine Borough Council

Coleraine Enterprise Agency

Commissioner for Children and Young People

Committee on the Administration of Justice

Communication Workers' Union

Community Foundation for Northern Ireland

Community Relations Council

CONCORDIA

Confederation of British Industry (Northern Ireland)

Cookstown District Council

Cookstown Enterprise Centre Ltd

Co-Operation Ireland

Craigavon Borough Council

Craigavon Industrial Development Org Ltd

Creggan Enterprises Ltd

Deaf Association (NI)

Democratic Unionist Party

Derry City Council

Disability Action

Down District Council

Dungannon & South Tyrone District Council

Dungannon Enterprise Centre Ltd

East Belfast Community Development Agency

East Belfast Enterprise Park

Economic Research Institute of Northern Ireland

ETI Committee Clerk

Equality Commission

Falls Community Council

Federation of Small Businesses

Fermanagh District Council

Fermanagh Enterprise Ltd

Foyle Women's Information Network

Gingerbread Northern Ireland

GMB

Greater East Belfast Partnership Board

Greater Shankill Partnership

Green Party

Head of NI Civil Service

Inclusive Mobility Transport Advisory Committee

INCORE Conflict Resolutions Ltd

Indian Community Centre

Institute of Directors

Institute of Professionals, Managers & Specialists (IPMS)

Kesh Development Association Charitable Trust

Larne Borough Council

Larne Development Forum

Law Centre (NI)

Limavady Borough Council

Lisburn City Council

Lisburn Enterprise Organisation Ltd

Local Strategy Partnership

Loughrey College

Magherafelt District Council

Mallusk Enterprise Park

MENCAP

Methodist Church in Ireland

Mindwise

Moyle District Council

Moyle Enterprise Co Ltd

MLAs, MPs, and MEPs

Mr M Curran

Mr T Dick

Multi-Cultural Resource Centre

National Committee of UNIFEM

National Energy Action Charity

Newry & Mourne District Council

Newry & Mourne Enterprise Agency

Newtownabbey Borough Council

North Belfast Partnership Board

North City Business Centre Ltd

North Down Borough Council

North Down Dev Organisation Ltd

Northern Ireland Anti-Poverty Network

Northern Ireland Assembly Members

Northern Ireland Association for Mental Health

Northern Ireland Association for the Care & Resettlement of Offenders

Northern Ireland Authority for Utility Regulation

Northern Ireland Centre for Competitiveness

Northern Ireland Chamber of Commerce & Industry

Northern Ireland Committee/Irish Congress of Trade Unions

Northern Ireland Council for Ethnic Minorities

Northern Ireland Council for Voluntary Action

Northern Ireland Gay Rights Association

HSENI – EQIA – 2010

Northern Ireland Human Rights Commission
Northern Ireland Public Service Alliance
Northern Ireland Women’s European Platform
Northern Ireland Volunteer Development Agency
North West Community Network
NSPCC
NUS/USI – Northern Ireland Student Centre

Omagh District Council
Omagh Enterprise Co Ltd
Ormeau Enterprises Ltd

POBAL
Presbyterian Church in Ireland
Press for Change
Prince’s Youth Business Trust
Progressive Unionist Party

Queens University

Roe Valley Enterprises Ltd
Roslea Enterprises Ltd
Royal National Institute for Deaf People
Royal National Institute for the Blind
Rural Community Network
Rural Development Council

SDLP
Services Industrial Professional Technical Union

HSENI – EQIA – 2010

Sikh Cultural Centre

Sinn Fein

Social Economy Network

South Belfast Partnership Board

South Eastern Education & Library Board

South West Fermanagh Dev Organisation Ltd

Strabane District Council

Strabane Industrial Properties Ltd

The Most Reverend Bishop Walsh

The Volunteer Centre

The William Keown Trust

Townsend Enterprise Park Ltd

Training for Women Network Ltd

Ulster Scots Heritage Council

Ulster Unionist Party

Union of Construction, Allied Trades & Technicians

Union of Shop, Distributive & Allied Workers

UNISON

Unite the Union

University of Ulster at Coleraine

Visual Access (NI)

West Belfast Development Trust Ltd

West Belfast Economic Forum

West Belfast Partnership Board

West Link Enterprise Centre

HSENI – EQIA – 2010

Women’s Forum

Women’s Information Group

Women’s Resource & Development Agency

Women’s Support Network

Women’s Training, Enterprise and Childcare

Workspace

Youth Council for Northern Ireland