

Equality Analysis for The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2018

Date: 6 June 2018

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Changes to the list of prescribed diseases for entitlement to Industrial Injuries Disablement Benefit

Introduction

This document records the analysis undertaken by the Department to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

The PSED requires the Minister to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

In undertaking the analysis that underpins this document, where applicable, the Department has also taken into account the United Nations Convention on the Rights of Persons with Disabilities. In particular the Department has taken into account three parts of Article 19 which recognise the equal right of all disabled people to live in the community, with choices equal to others, and that the Department should take effective and appropriate measures to facilitate full enjoyment by disabled people of this right and their full inclusion and participation in the community. It has also taken into account Article 28, which provides that disabled people have the right to an adequate standard of living and social protection.

Brief outline of policy or service

The government provides compensation in the form of Industrial Injuries Disablement Benefit (IIDB) to employees who become disabled as a result of disease or injury suffered at work.

Legislation provides a list of prescribed diseases upon which entitlement to IIDB can be determined. This list of diseases is kept under review by the Industrial Injuries Advisory Council (the Council). In 2017 the IIAC published two command papers making recommendations for extending the prescription criteria for the following diseases that are already included on the list:

- **For Prescribed Disease (PD) B15 - Latex Anaphylaxis** - Latex Anaphylaxis is already included in the list of prescribed diseases for which benefit is payable under the Industrial Injuries Scheme as Prescribed Disease but the prescription criteria is currently limited to employment as a healthcare worker having contact with products made with natural rubber latex. Many occupations outside the healthcare sector can also involve regular exposure to latex products and the Council has found a similar causal connection between the disease and work, with latex allergy only rarely acquired outside the workplace.

They have therefore recommended that the prescription for this disease be expanded to include any occupation involving contact with products made with natural rubber latex.

- **For Prescribed Disease (PD) D6 - Nasal Carcinoma** – Nasal carcinoma is already included in the list of prescribed diseases for which benefit is payable under the Industrial Injuries Scheme. Among the recognised occupational causes of the disease are leather dust and wood dust.
- In relation to wood dust, the current occupational prescription is any occupation involving “attendance for work in or about a building where wooden goods are manufactured or repaired”. However, tribunals have placed a narrow interpretation on the meaning of “building”, effectively restricting coverage to claimants working in premises which exist to manufacture or repair wooden goods, and placing outside the scope of benefit, for example, the carpenter who is exposed to wood dust during the fitting out of shops or on a construction site. Evidence also suggested a strong case for extending the prescription to include exposure to wood dust in the machine processing of wood in addition to manufacture and repair.
- The Council has therefore recommended that the prescription is amended to replace the word “*in or about a building*” with “*at a workplace*” and for completeness to include the manufacture or repair of “products made wholly or partially of wood ” as well as wooden goods and also the “machine processing of wood”.

Evidence and analysis

Changes to prescribed diseases

To understand the possible impact of these proposals, the following analysis was undertaken:

Latex Anaphylaxis

We expect the impact on claim volumes to be very small. Since 2002 there have been an average of fewer than 5 claims per year under PD B15. On the basis of health professionals making up around a quarter of the workers likely to benefit from the extended prescription, it is calculated that there could be between an additional 15 and 20 claims a year as a result of expanding the prescription of PD B15.

Nasal Carcinoma

We expect the impact on claim volumes to be very small. Since 2002 there have been an average of around 5 claims per year under PD D6. We estimate that the proposed extended prescription of PD D6 would result in an average of fewer than 2 additional claims per year compared to the existing prescription.

We have made the following assessment of the impact of the change on people with protected characteristics, as follows:

Age: There are no age limitations for entitlement to IIDB, beyond that the claimant must be aged 16 or over. The value of awards made, relates only the percentage disablement of the claimant, as determined at a medical assessment, and makes no reference to their age.

Disability: IIDB awards are restricted to people with disabilities and the level of payment is determined by the level of disability; the higher the level of disability the higher the payment. The Government thinks that this is right to ensure that those who are most disabled receive the most support.

Sex: IIDB legislation makes no distinction between sexes and as such payments are made to men and women equally if they meet the conditions of entitlement. However, by the very nature of the types of exposure that are covered, particularly through working in industries such as mining and construction, the majority of the payments are made to men.

Pregnancy and maternity; race; religion or belief; gender reassignment; sexual orientation and marriage and civil partnerships. Entitlement to IIDB is based on the nature and degree of disablement, and the claimant's employment status. Awards are made to those who meet the IIDB conditions of entitlement, irrespective of whether they are people with these protected characteristics.

We would expect these measures to have a positive impact for persons sharing protected characteristics, in particular those sharing the protected characteristics of age, disability and sex as set out above, as the changes will ensure that IIDB eligibility rules continue to reflect the latest scientific knowledge.

Decision making

What was the outcome of these considerations?

We have concluded that the measures described in this analysis have no disproportionate impact negative impact on equality amongst those sharing the protected characteristics of age, disability and sex. The measures provide wholly beneficial changes to IIDB eligibility rules by reflecting current scientific knowledge.

Monitoring and evaluation

The impact of these measures will be monitored as part of existing IIDB performance monitoring and reporting.

When will the potential impacts be reviewed?

No specific review date will be set. These measures will be monitored as part of the regular IIDB performance monitoring and reporting cycle.

Sign off

This document has been signed off by Steve Hodgson, Disability Employment and Support Directorate.