

# YOUR HEALTH AND YOUR WORK - KNOWING YOUR RIGHTS

**If you have a health condition that can be defined as a disability, you might be entitled to 'reasonable adjustments' from your employer. You might not view yourself as disabled but if your health condition meets the criteria of a disability, your employer cannot discriminate against you on that basis.**

The Equality Act 2010 protects you and covers areas including:

- application forms
- interview arrangements
- aptitude or proficiency tests
- job offers
- terms of employment, including pay
- promotion, transfer and training opportunities
- dismissal or redundancy
- discipline and grievances

## Reasonable Adjustments - an overview

Your employer might have to make adjustments to help you do your job as well as someone without a disability. The Equality Act 2010 calls these 'reasonable adjustments'. They can be changes to policies, working practices or physical layouts, or providing extra equipment or support.

The adjustments have to be 'reasonable'. What's reasonable for your employer to do depends on your situation - like the size of the organisation you work for. Your employer should pay for any adjustments - they shouldn't ask you to pay.

If your employer doesn't make the adjustments they have a duty to make, it could be discrimination. You might be able to complain or take them to an employment tribunal to get what you need.

You can also complain if you realised there were adjustments your former employer could have made which might have helped you stay in the job.

You can [check if you're disabled under the Equality Act](#) if you're not sure if your disability or health condition is covered.

Your employer will only have to make adjustments for some groups of workers - some self-employed people won't be covered. If your employer gives you paid holiday that's a good sign that you're covered. If you're not sure, [check if you're covered](#).

If you're an agency or contract worker, you're employed by one company but carry out your work for another. Both companies might need to make adjustments for you under the law.

# YOUR HEALTH AND YOUR WORK - REASONABLE ADJUSTMENTS PART 1

**If you are defined as disabled according to the Equality Act 2010, you might be entitled to reasonable adjustments if you can show that you are at 'substantial' disadvantage than those who are not disabled. This could be because of a rule, a physical feature of the workplace or not having extra equipment that you need.**

You'll need to show that you're at a 'substantial disadvantage' before your employer has to make any adjustments. This means being affected in a way which is more than 'minor or trivial'.

You'll need to show that someone without a disability would not be affected, or would be affected less than you, by the particular rule, feature or lack of equipment or support.

## Things to consider before asking for Reasonable Adjustments

Firstly it is important to make sure that your employer knows about your disability and how it affects you at work.

You don't have to say what adjustments you want but it would be a good idea to think of what would help you and explain how it would help. Ask if your employer has occupational health doctors they can ask for advice. They could also contact Access to Work or organisations which support people with your disability.

Try to work with your employer to come up with ideas - if no one can think of anything then they might not make any adjustments.

You need to be able to explain to your employer why you need the adjustments you're asking for. You should tell them why it's difficult for you to do your job compared to someone without your disability.

Your employer has to take reasonable steps to avoid you being disadvantaged, or to provide an aid if you need one.

There's no definition of what's reasonable but it will depend on lots of factors, like how easy it would be to make the adjustment or your employer's resources - a large company might be expected to do more than a small family business, depending on the circumstances.

# YOUR HEALTH AND YOUR WORK - REASONABLE ADJUSTMENTS PART 2

**Once your employer knows you're disabled, they have a duty to make reasonable adjustments for you if you need them. If they don't, you should write to them. Remember that you want to continue working there, so make sure your letter is polite and helpful - you're trying to work out the best solution together.**

You could write an informal letter to your employer first. Explain your situation to your employer. You might also have to explain the law to them if you think they won't be aware of their legal obligations - like if they're a small employer or don't have an HR department.

You should say if you're asking for:

- a change to a rule or way of doing things
- a change to a physical feature
- extra equipment or support - the law calls this an 'auxiliary aid'

You can end your letter by asking your employer to consider the adjustments and let you know in writing if they can't make them or ask them to have a meeting with you to discuss your request. Ask them to respond within a certain time - 7 to 14 days is usually reasonable depending on what you're asking for.

If you speak to your employer, keep a note of what you asked for and their response. If they agree to make a change within a certain time, make sure you follow up with them if they don't do it within that time.

If you're a member of a trade union, you could ask your union representative to help you make your request. If not, you can [get help from a Citizens Advice adviser](#) if you need it.

You might need to write a more formal letter if you:

- have already spoken to your employer but without success
- need adjustments to be made urgently
- work for a large employer who's used to dealing with such requests

Check for charities or organisations which help people with your disability. You could also contact Access to Work for advice. Your employer can also ask them for advice and financial assistance with making adjustments for you.

You can also find guidance on possible adjustments in the [EHRC Code of Practice](#) on employment or the [guide on workplace adjustments](#) on the EHRC website.

# YOUR HEALTH AND YOUR WORK - REASONABLE ADJUSTMENTS PART 3

**If your employer doesn't make the adjustments you need, you can try to ask them to reconsider their decision. We will take you through this process below.**

If you think your employer's decision is unfair or they don't make the adjustments they said they would, you can write to them again if they've told you why they won't make the adjustments and you can think of a way to overcome their objection.

Most adjustments are free or relatively cheap to make. If your employer says it's too expensive to make the adjustment, tell them they might be able to [get help from Access to Work](#). You can also suggest they look for charities or organisations for people with your condition that might be able to offer a grant to help.

If you're an employee who's worked for your employer for more than 26 weeks, you have a right to ask for flexible working. [Read more about flexible working](#). You could also take time off for medical appointments.

If your employer has an HR or health and safety team, you could ask them to make the changes you need.

If none of these work, you might have to [raise a grievance](#). If you can't solve the problem by complaining, you don't need to leave your job. Your employer shouldn't treat you unfairly for complaining. That would be victimisation.

It can be quite stressful to take legal action against someone you're still working for. [Read our advice on deciding what action to take](#) to find out what you can do next.

If you want to make a tribunal claim, you must start it within 3 months less one day.

It's important to know when the time limit starts to run so you know how long you have to start legal action. The time limit usually starts when your employer decides not to make reasonable adjustments.

If you are considering raising a grievance or taking legal action, it would be best to get specialist advice first. You can contact us [here](#) for advice.