

Disability discrimination law: employment rights

People with disabilities share the same general employment rights as other jobseekers and employees but there are also special terms for them under the Disability Discrimination Act 1995.

Legal protection

Under disability discrimination legislation it is unlawful for employers to subject jobseekers or employees with disabilities to disability discrimination. The law covers all aspects of employment from recruitment through to the ending of the employment and beyond (for example, providing employment references), including:

- arrangements for recruiting and selecting new staff
- terms and conditions of employment, including pay and benefits
- promotion, transfer or training opportunities
- work placement opportunities
- disciplinary procedures
- performance management and attendance procedures
- dismissal or redundancy
- occupational pensions
- the way that the work is arranged and performed
- the physical features of an employer's premises

Another important protection is that the law also outlaws disability-related harassment (or bullying) against people with disabilities in the workplace - that is unwanted behaviour, whether intended or not, that is related to disability and which causes feelings such as offence, humiliation or hurt.

It can include behaviour such as name-calling, making fun of a person's disability or making fun of people with disabilities generally.

Reasonable adjustments in the workplace

There is a special form of disability discrimination that occurs where an employer is under a duty to make reasonable adjustments for a particular job applicant or employee with a disability and fails to keep to it.

Failing to meet the duty cannot be justified and is always unlawful.

An employer is under a duty to make reasonable adjustments for a job applicant or employee with a disability if the following conditions apply:

- the person with a disability is at a large disadvantage compared to people who do not have a disability
- any provision, criterion or practice applied by the employer, or any physical feature of premises occupied by the employer
- the employer knows, or could reasonably be expected to know, that the person with a disability is disabled and is suffering the disadvantage, or is likely to

Where the employer is under the duty, they are required to take reasonable steps, in all the circumstances of the case, to prevent the person with disabilities from suffering the disadvantage.

Examples of adjustments

Examples of adjustments your employer or prospective employer should consider, in consultation with you, include:

- allocating some of your work to someone else
- transferring you to another post or another place of work
- making adjustments to the buildings where you work
- being flexible about your hours - allowing you to have different core working hours and to be away from the office for assessment, treatment or rehabilitation
- providing training or retraining if you cannot do your current job any longer
- providing modified equipment
- making instructions and manuals more accessible

- providing a reader or interpreter

Things to consider at work

Deciding on when an adjustment is a reasonable one depends on the circumstances. What is reasonable in one situation may not be reasonable in others. The aim of the duty is to allow people with disabilities to get work, stay in work or return to work. An important consideration is whether a proposed adjustment will help achieve that goal but there are other factors that may need to be taken into account too.

You can play an active role in discussing these arrangements with your employer. You might also want to encourage your employer to speak to someone with expertise in providing work-related help for people with disabilities, such as an occupational health adviser.

Issues for you both to consider include:

- how effective will an adjustment be
- will it mean that your disability is slightly less of a disadvantage or will it significantly reduce the disadvantage
- is it practical
- will it cause much disruption
- will it help other people in the workplace
- is the cost prohibitive

You may want to make sure your employer is aware of the Access to Work programme and other employment support schemes. Through these programmes, employers can get advice on suitable adjustments and possibly financial help towards the cost of the adjustments.

For more information visit

<https://www.nidirect.gov.uk/articles/disability-discrimination-law-employment-rights#:~:text=Disability%20discrimination%20law%3A%20employment%20rights%201%20Legal%20protection,....%204%20Equality%20Commission%20for%20Northern%20Ireland.%20>