



Worried about... illness?

Asking your employer for changes to help you if you're disabled

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 is covered: <https://www.citizensadvice.org.uk/work/discrimination-at-work/dealing-with-discrimination-at-work/checking-if-its-discrimination/check-if-youre-disabled-under-the-equality-act-work/>

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: <https://www.citizensadvice.org.uk/work/discrimination-at-work/dealing-with-discrimination-at-work/taking-action-work-discrimination/asking-your-employer-for-changes-to-help-if-youre-disabled/>

If you're an agency or contract worker

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.

Example

Safina has a visual impairment. She's signed up with an employment agency to find administrative work.

She'll usually have to use a computer wherever she works so the agency would be

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responsible for making sure she has any software or other equipment she needs (if it's reasonable for them to provide it). The company she's placed with is responsible for making any changes needed so she can use that equipment with their systems.

Whether it's reasonable for the agency or that company to make those changes will depend, amongst other things, on how long Safina is likely to be working there.

If you're not sure if you're employed by your agency or you're a contract worker, get specialist help so you know who you can ask: <https://www.citizensadvice.org.uk/work/discrimination-at-work/dealing-with-discrimination-at-work/taking-action-work-discrimination/get-help-with-discrimination-at-work/>

Check if your employer has to make adjustments

Your employer might have to make adjustments for you if you're at a substantial disadvantage compared to people who don't have a disability because of:

- a rule, practice or other working arrangement - the law calls this a 'provision, criterion or practice'
- a physical feature of your workplace - for example adding a wheelchair ramp if you can't use the steps
- not having extra equipment or help - the law calls this an 'auxiliary aid'

A 'provision, criterion or practice' at work could include something in your employment contract or how your employer does things at work. This could be the hours you have to work, your work duties, the targets you have to meet or your employer's rules about sick leave.

A 'physical feature' could include the stairs at work, the lighting in the workplace, the toilets or the desk and chair you have to use.

An 'auxiliary aid' could include computer software for a blind person, a support worker for an autistic person, or visual fire alarms so that a deaf person can get out of the building safely in an emergency.

Check your disadvantage is 'substantial' compared to people who aren't disabled

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'.

For example, if a daily task takes you an extra few minutes compared to others but doesn't cause you any pain or discomfort, it might be so minor that you won't need an adjustment. If it means you're missing your targets and could be given a warning then it would be 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.

Check your employer knows about your disability

Your employer only has to make reasonable adjustments if they know or could reasonably be expected to know you're disabled - and that you're disadvantaged because of it.

If you're asking for adjustments

Make sure you tell your employer about your disability and how this affects you at work.

If your employer hasn't made adjustments and you want to take it further

You'll have to be able to show that they knew about your disability, or that they should reasonably have known, when they decided not to make the adjustments.

For example, if they had reports from your GP or if it should have been obvious to them that you had a disability from the difficulties you were having at work.

Check what you told your employer in your job application or any health questionnaires, and what you've told your manager, occupational health or the company doctor.

Work out what adjustments you need

You might have to say what adjustments you need depending on whether you're still working for your employer.

If you're still working for your employer and want to ask for changes.

If your employer hasn't made adjustments and you want to make a tribunal claim.

An employer's duty to make reasonable adjustments is in section 20 of the Equality Act 2010. Section 21 says that if an employer fails to make a reasonable adjustment it's discrimination.

There's more information about reasonable adjustments in the Equality and Human Rights Commission (EHRC) Code of Practice on Employment, chapter 6: <https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/employment-code-practice-0>

Plan how to ask for the adjustments you need

This will depend on the type of adjustment you're asking for.

If you want your employer to change working arrangements.

If you want your employer to change a physical feature.

If you want your employer to provide you with extra equipment or support.

Explain how you're disadvantaged

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. The disadvantage has to be more than minor or trivial - the law calls this 'being put at a substantial' disadvantage'.



Example

Pete has a knee condition. His employer says that everyone has to be in the office by 9am. This causes him a disadvantage because his condition means he can no longer drive and he can't use public transport because it's overcrowded in peak time and standing is painful.

Pete could ask to change his working hours so he can travel out of rush hour when he can get a seat. This is likely to be a reasonable adjustment.

Check if the adjustment you want is 'reasonable'

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.

You should also consider:

- if a particular change would prevent the disadvantage for you - the more likely it is to do that, the more likely it is to be reasonable
- how practical it would be for your employer to make the change
- the financial and other costs of making the change
- how disruptive making the change would be
- what financial or other help your employer has to make a change - like advice from Access to Work: <https://www.gov.uk/access-to-work>

Example

Liz has a condition which affects the nerves in her hand and wrist. She works as a records clerk at a hospital. She finds some parts of her job difficult - using a keyboard and mouse and filing paperwork.

She's asked her employer to:

- provide her with dictation software to reduce the need to type
- provide a special mouse and keyboard
- reduce the amount of paperwork she has to handle
- allow her to leave her desk for rest breaks in the morning and afternoon, which isn't usually allowed because staff have to be able to answer the phone
- allow her to work from home once a week

All of these could be reasonable except the last - working from home won't prevent the difficulties that Liz has.

The cost of the special equipment will be a factor in deciding whether it's reasonable for the employer to provide it, but so will the size of the employer, the amount of money they have and if they can get funding from other sources. They can't ask you to pay for it.

If Liz is answering fewer calls and dealing with less paperwork these tasks have to be done by someone else. Her employer can consider who's able to do them and what impact the extra work will have on them when deciding if it's reasonable to make the other changes Liz has asked for.

There's no limit on the kind of changes employers have to make, but it could include:

- changing hours of work, permanently or for a short while if you're going back to work after being off sick

- changing your work duties - like reducing your workload if you have work-related stress
- providing clear, written instructions to an autistic worker who finds it difficult to decide on the order in which to carry out tasks
- giving a worker with back pain more rest breaks than other workers to allow them to stand and move away from their desk

Asking for reasonable adjustments

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.

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.

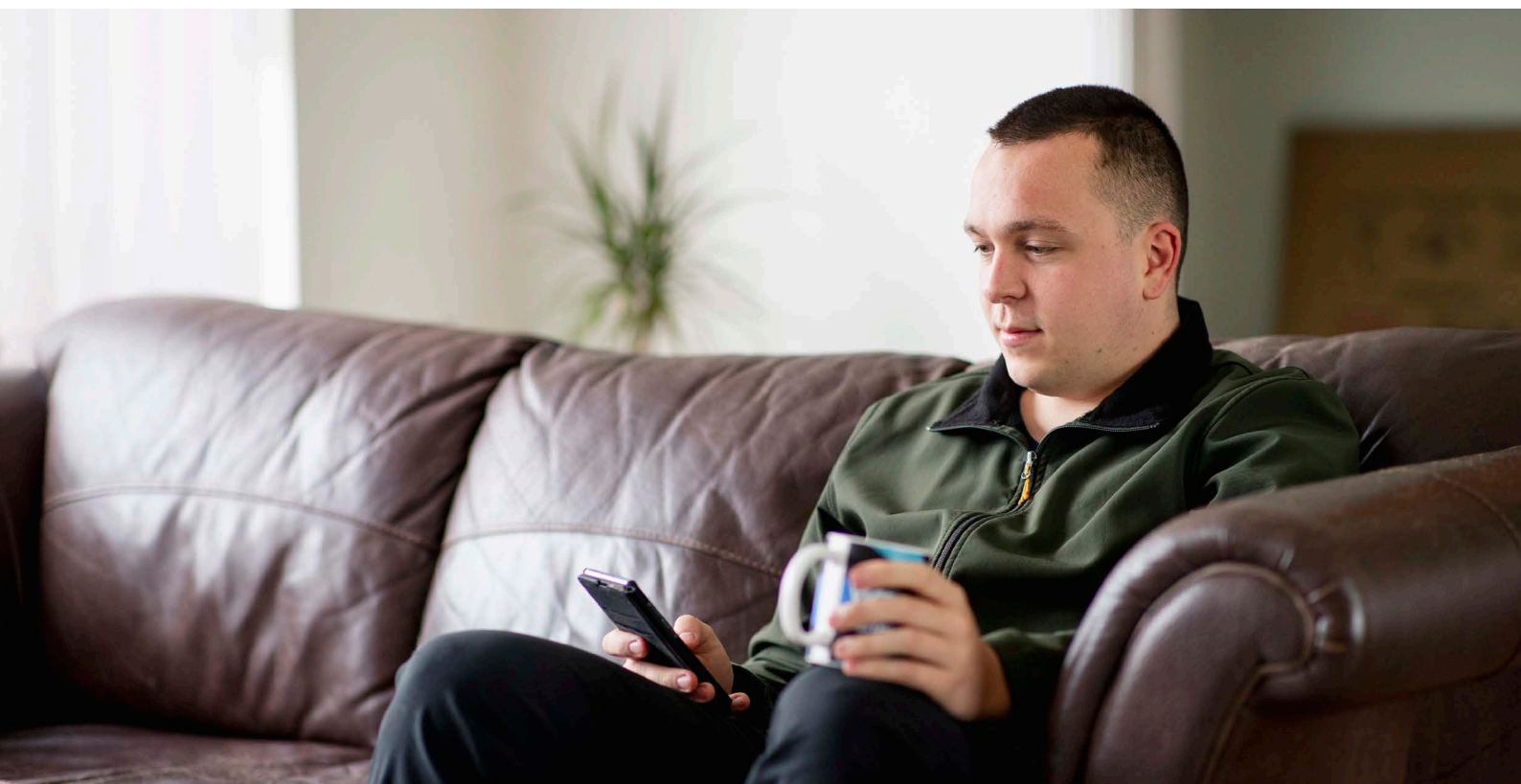
You should say if you're asking for:

- 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. Or for help with discrimination at work visit: <https://www.citizensadvice.org.uk/work/discrimination-at-work/dealing-with-discrimination-at-work/taking-action-work-discrimination/get-help-with-discrimination-at-work/>



Writing an informal letter

You could try writing an informal letter first. This is most likely to keep a good relationship with your employer. You're trying to get them to agree to your request without threatening them with legal action.

Your letter doesn't have to follow a set format, but it should:

- give your employer enough information about your condition for them to understand that you are, or could be, disabled
- make it clear that your condition has lasted, or is likely to last, at least 12 months and that its effect on your day-to-day life is more than minor or trivial
- say what's causing you a problem at work and how that could be addressed - list any solutions you can think of

Example

Dear Simon

I'd like to discuss problems I've had at work recently which are related to my health. I'd like to arrange a meeting to discuss these with you.

I have arthritis in my back and have had this for the past year. My doctor said it's not likely to clear up any time soon.

The arthritis affects my ability to do my job as I can't sit at a desk for long periods of time.

I think it would help if you could get me an adjustable desk so that I can stand up to do my work.

I'd really like to discuss this with you further, please can we meet for half an hour or so next week?

Yours sincerely

Owen

Writing a more formal letter

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

Example

Dear Mr Kaplan

I'm writing to request that you make reasonable adjustments for my disability.

You'll remember we spoke a month ago about the changes I need to help me do my job. Since then, nothing's happened.

As you know, I have a disability as defined by the Equality Act 2010. You're aware that I have arthritis in my back and that I can't sit for long periods of time.

My job involves a lot of sitting at a desk. I have to take a lot of breaks to stand up or walk around to ease the pain if I've been sitting down for too long. This means it takes me longer to get work done.

As my employer, you have a duty under section 20 of the Equality Act 2010 to make reasonable adjustments where the lack of an auxiliary aid causes me a substantial disadvantage due to my disability.

Failing to make reasonable adjustments is against the law and amounts to disability discrimination.

I believe you can make an adjustment by providing me with an adjustable desk so that I can stand up to do my work. Without one, I'll still be at a disadvantage compared to someone who isn't disabled.

I'm asking you to make this change to help me with my disability so that I can do my job. If you feel you can't do this, please respond to this letter to explain why.

I look forward to receiving your response within 14 days.

Yours sincerely

Owen Johnson

If you're not sure what changes to ask for

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: <https://www.equalityhumanrights.com/sites/default/files/employercode.pdf> or the guide on workplace adjustments on the EHRC website: <https://www.equalityhumanrights.com/guidance/business/employing-people-workplace-adjustments>

If you're a member of a trade union, ask your union representative what changes have been made for others.

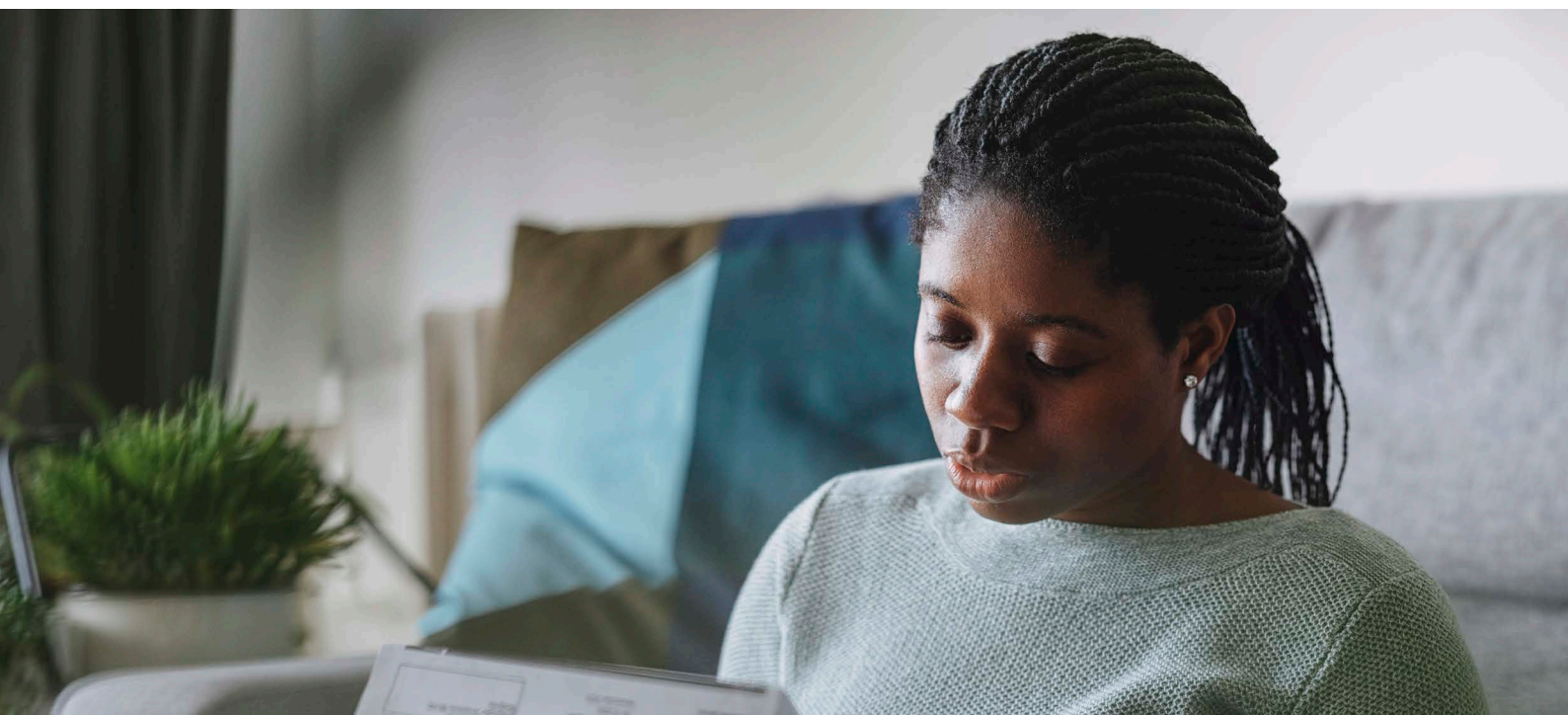
If your employer doesn't make the adjustments you need

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: <https://www.gov.uk/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: <https://www.citizensadvice.org.uk/work/flexible-working/applying-for-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: <https://www.citizensadvice.org.uk/work/discrimination-at-work/dealing-with-discrimination-at-work/taking-action-work-discrimination/taking-action-about-discrimination-at-work/>

Time limits for legal action

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 they haven't made a decision, the time limit starts after they've been given a reasonable period to comply with their duty. If you're not sure if your employer has made a decision or the date of their decision, it might be safer to calculate the time limit from the date you made your request. This will mean you'll be within the deadline.

If you miss the deadline, you can make a late claim if the tribunal thinks it's fair, this is called being 'just and equitable'. They might consider things like the reason for the delay, the length of the delay and the effect of a late claim on the other side.

You shouldn't rely on this though the tribunal might decide not to allow you to make a late claim. Act quickly as this will give you a better chance of the tribunal accepting your claim.

The court's power to allow a late claim is in section 118 of the Equality Act 2010.

In some cases, if you've missed the deadline, you could ask for the adjustment again, explaining why you still need it and any change in circumstances - it won't give you a new deadline but might prompt the other side to actually make the adjustment.

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