

Employment guide for disabled people

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Your entitlements

This factsheet explains the key employment rights disabled people are entitled to as a result of the Equality Act 2010 and also points to further sources of information. Please note that the new Act replaces the Disability Discrimination Act 1995.

Key points

The Equality Act 2010 makes it unlawful for your employer to discriminate against a member of staff – either directly or indirectly – because they have a disability. It is also illegal for an employer to harass or victimise a disabled person. Under the Act, disabled people are entitled to a number of rights at work, to ensure they are not put at a disadvantage. This covers such areas as:

- applying for a job, including the interview process
- terms and conditions of employment
- treatment in the workplace
- opportunities to be promoted and transferred
- opportunities for training and professional development
- pay and benefits

- redundancy and dismissal
- requesting a reference.

What is a disability?

According to the Equality Act 2010, you have a disability if you have a physical or mental impairment that is recognised by the medical profession and that has a substantial, long-term adverse effect on your ability to carry out normal, day-to-day activities.

The recruitment process

If you apply for a job, the Equality Act 2010 limits the kind of information a potential employer can ask you about your disability – either on the application form or at the interview. You only have to answer this type of question if a potential employer wants to:

- employ more disabled people
- find out if they should make any ‘reasonable adjustments’ to help you take part in the selection and interview process
- understand if you are able to carry out tasks that are essential to the role you are applying for.

While you are at work under the act, your employer has to make ‘reasonable adjustments’ to your work environment so you are able to carry out your job and are not put at a disadvantage. Examples of such ‘reasonable adjustments’ include:

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- installing a ramp or a wheelchair lift to enable you to access your place of work
- adapting any equipment, you may use (e.g.: keyboard, telephone etc.)
- being flexible about the hours you work.
- granting you time off work if you need to undergo treatment because of your disability.

The Government runs an Access to Work scheme which has information on grants that may be available to your employer to fund the cost of making the adjustments. You can also contact the Access to Work scheme and ask for a Disability Employment Adviser to visit your workplace to suggest what reasonable adjustments your employer could make for you.

Redundancy

Having a disability is not grounds for being made redundant or dismissed, or being forced into retirement.

Making a claim

If you are facing discrimination at work because of your disability and are unable to resolve it by discussing the matter with your employer, you should follow your organisation's formal grievance procedure.

To make a claim for compensation, you need to submit your claim form to an employment tribunal within three months of the date you were first discriminated against.

If you are unsure about how to proceed – or about whether you have a valid claim – seek professional advice. You can contact the relevant organisations in the 'Further information' section below or talk to your

trade union representative if you belong to a union.

Further information

If you are experiencing any of the issues covered in this factsheet, in the first instance call our free helpline on **0808 801 0550**.

Our Advisors will listen without judging and will work with you as best they can to achieve a positive outcome. If you prefer you can email: helpline@ltcharity.org.uk Visit our website: www.licensedtradecharity.org.uk It's full of useful information about the kind of issues we know people who work in the licensed trade face.

Websites

Citizens Advice

www.citizensadvice.org.uk

For free and confidential legal advice



Disability Law Service

www.dls.org.uk

Free legal advice to people with disabilities and their carers, to ensure they have access to their rights and justice.

Disability Law Service

Equality and Human Rights Commission

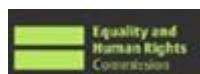
www.equalityhumanrights.com

Advice Line: 0808 800 0082

9am-7pm Mon-Fri: 10am- 2pm Sat

www.equalityadvisoryservice.com

Information, advice and support on discrimination and human rights



Gov.uk

www.gov.uk



For a brief overview of disability rights at work and the Access to Work grant scheme.

Helpline: **0808 801 0550**

Email: helpline@ltcharity.org.uk

licensedtradecharity.org.uk

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NOTE: This guide is not exhaustive. It has been produced by the Licensed Trade Charity to provide you with an overview of the issue in question. We are grateful to all specialist organisations who support our Charity and are available to you should you be experiencing this particular issue.

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