

# Disability rights



## Know your disability rights in the workplace

Everyone has rights in their workplace including getting the National Minimum Wage, and not being treated less favourably if they work part time.

When someone has a long-term illness or disability then your employer must make reasonable adjustments to ensure you are supported at work.

As a disabled person you are entitled to certain key employment rights because of the Equality Act 2010. This new Act replaces the Disability Discrimination Act 1995. The details below are to help you understand what you are entitled to and points to further sources of information.

### 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 several rights at work, to ensure they are not put at a disadvantage.

This covers:

- 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



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## 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 must answer this type of question if a potential employer wants to:

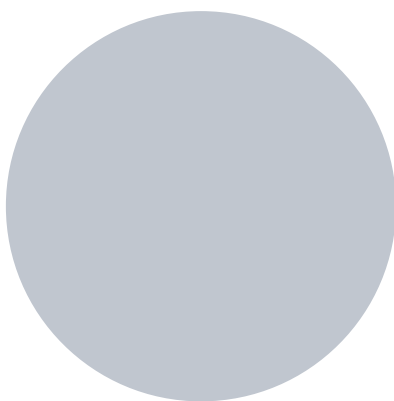
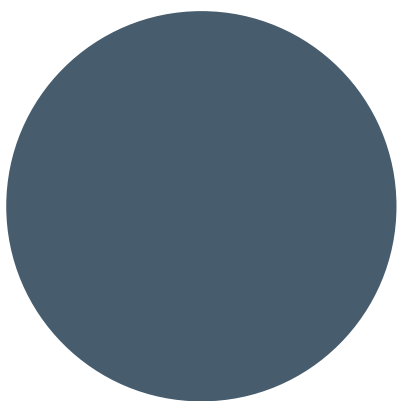
- Employ more disabled people
- Find out if they should make any ‘reasonable adjustments’ to help you take part in the selection and interview process
- Understand if you can carry out tasks that are essential to the role you are applying for.

## While you are at work

Under the Act, your employer must make ‘reasonable adjustments’ to your workplace so you are able to carry out your job and are not put at a disadvantage. Examples of such ‘reasonable adjustments’ include:

- Installing a ramp or a wheelchair lift to enable you to access your place of work
- Offering a phased return to work if a long term illness or disability is diagnosed
- Changing any equipment, you may use (e.g. keyboard, kitchen equipment, telephone etc.)
- Being flexible about the hours you work.
- Granting you time off work if you need to undergo treatment

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 (see [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)) and ask for a Disability Employment Adviser to visit your workplace to suggest what reasonable adjustments your employer could make for you.



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## 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.

Talk to your trade union representative if you belong to a union.

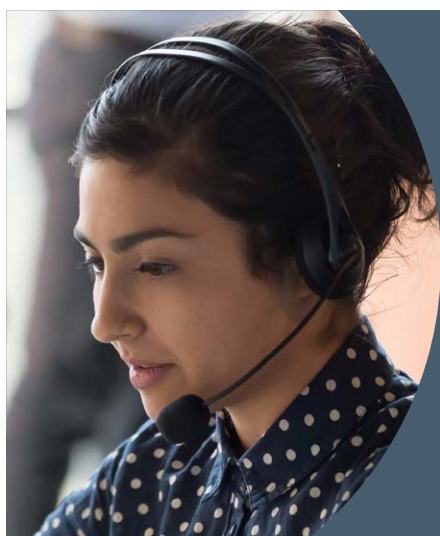
## Other sources of information

### Disability Law Service

Free legal advice to people with disabilities and their carers, to ensure they have access to their rights and justice.  
[www.dls.org.uk](http://www.dls.org.uk)

### GOV.UK

For a brief overview of disability rights at work and the Access to Work grant scheme.  
[www.gov.uk](http://www.gov.uk)



The Licensed Trade Charity are available 24/7, if you'd like to talk about your situation, we can help you. Contact us for confidential, free of charge support. If you are experiencing any of the issues covered in this fact sheet, in the first instance call our helpline on:

**0808 801 0550**

Our Helpline Team will listen without judging and will work with you as best they can to achieve a positive outcome. If you prefer, you can email: [enquiries@ltcharity.org.uk](mailto:enquiries@ltcharity.org.uk) or visit our website at [www.licensedtradecharity.org.uk](http://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.



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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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