

Disability Law Service

advice and legal representation for disabled people

Reasonable Adjustments in Employment

www.dls.org.uk

Introduction

Under the Equality Act 2010 (the EA), disabled people have certain rights at work and employers have some legal obligations towards their disabled employees.

One of the most important obligations placed on the employer is the legal duty to make reasonable adjustments to both the job role and the workplace to help their disabled employees.

What are reasonable adjustments?

Under the EA employers have a duty to make reasonable adjustments where failure to do so would place the disabled employee at a substantial disadvantage compared to non-disabled employees.

There are many different types of adjustments. Some examples include:

- Provision of special equipment
- Alterations to working hours
- Adjustments to a disabled employee's duties
- Redeployment to a different role in the workplace
- The provision of written information in a different format such as Braille or larger print or ensuring that there is a BSL signer available for meetings or interviews
- Allowing a disabled person time off for necessary medical appointments or treatment
- Physical alterations to the workplace such as ramped entrances, accessible toilets, reserved parking spaces close to the entrance, stair lifts
- The provision of a support worker to help a disabled employee with elements of their role that they are unable to complete alone due to their impairment.

Whether or not a particular adjustment is reasonable will depend on the circumstances. When deciding whether a potential adjustment is reasonable there are a number of factors that can be taken into account. These include:

- the cost of making the adjustment
- the effect that this will have on the employer's business
- the resources, financial and other resources, available to the employer
- how effective the adjustment would be at removing the disadvantage.

Where a disabled employee requests an adjustment, it is for the employer to show that the adjustment requested is not reasonable and to justify their decision.

How do I request reasonable adjustments?

If you require an adjustment at work you should first speak to your employer and explain why you need the adjustment. It is often helpful if you are as specific as possible. Tell them what the problem is and, if possible, what you would like them to do about it.

If your employer does not make the adjustment for you then you should put your request in writing to them. Again it helps if you are as specific as possible and tell them what difficulties you are having and what you would like them to do. You should also ask them to make the adjustment or give you their full reasons in writing why they cannot make these for you.

Hopefully, your employer will agree to make the adjustment for you. If not, this information can then help you to decide on whether your employer has a good reason for not making the adjustment. This may help you to decide if you want to take the matter further.

What do I do if my employer does not make an adjustment for me?

If you do not think that your employer has good reasons for failing to make an adjustment for you then you should submit a written grievance, or complaint, to your employer. It is often preferable to send this letter by recorded delivery. The letter should state your complaint about the discrimination or any other action that you believe was unfair. This letter should be sent promptly and no later than a month or two months after the discriminatory act.

If this does not resolve the situation, you may wish to make a claim to the Employment Tribunal. Your claim should be submitted to the Tribunal on a form known as an **ET1**, which is available from JobCentres, or on the internet at:

Website: **www.employmenttribunals.gov.uk**

There are strict time limits for taking cases to the Employment Tribunal and you will need to submit your claim within three months minus one day of when your employer refuses to make the adjustment for you or from when it becomes obvious that they are not going to make these for you.

For more information on completing the ET1 form please see our factsheet on Tribunal Tactics.

You may also consider completing a Discrimination Questionnaire. Again this needs to be sent within three months of the last discriminatory act. Your employers will then have eight weeks to respond to the Questionnaire. This should be done if you are considering a case against your employer as it will assist you in determining the strengths on your case. An example of the Questionnaire can be found at:

Website: **www.equalities.gov.uk/news/equality_act_2010_forms_for_ob.aspx**

Can I get any help?

Access to Work is a scheme which is run by Jobcentre Plus. It can provide disabled people with financial support to help with increased costs for things such as travelling to work by taxi instead of using public transport, paying for a support worker, paying for specialized equipment or for physical alterations to the employer's premises. Access to Work may also be able to help if a disabled person needs a communicator or BSL interpreter at a job interview.

Am I eligible for Access to Work?

If you are disabled and feel that you may need help through Access to Work you will need to be:

- Already working in paid employment
- Unemployed and about to start a new job
- Unemployed and about to start a Work Trial
- Self-employed.

Your impairment must stop or prevent you from being able to do parts of your job or the job you have applied for. It may be that your impairment does not have a big effect on what you can do every day but it must be a long- term effect rather than something short-term like a broken arm.

How do I contact Access to Work?

If you feel that your employment is likely to be affected by your impairment and that this impairment is likely to last for at least 12 months, you should contact either your regional Access to Work contact centre or the Disability Employment Adviser at your local Jobcentre.

Regional Contact Centres:

London; South East England; Eastern England

Jobcentre Plus

Access to Work Operational Support Unit

Nine Elms Lane

London SW95 9BH

Telephone: **020 8426 3110**

Textphone: **020 8426 3133**

Email: **atwosu.london@jobcentreplus.gsi.gov.uk**

South West England; Wales; West Midlands; East Midlands

Jobcentre Plus

Access to Work Operational Support Unit

Alexandra House

377 Cowbridge Road East

Cardiff CF5 1WU

Telephone: **02920 423 291**

Textphone: **02920 644 886**

Email: **atwosu.cardiff@jobcentreplus.gsi.gov.uk**

**Scotland; North West England; North East England; Yorkshire and
Humberside**

Jobcentre Plus

Access to Work Operational Support Unit

Anniesland JCP

Baird Street

Glasgow G90 8AN

Telephone: **0141 950 5327**

Textphone: **0845 6025850**

Email: **atwosu.glasgow@jobcentreplus.gsi.gov.uk**

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Email: **advice@dls.org.uk**

Website: **www.dls.org.uk**

Or write to us at: 39 – 45 Cavell Street, London E1 2BP

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