

Supporting Disabled Workers

Equality legislation and disclosure of disability the equality Act, introduced in the UK in 2010, states that once a disability is disclosed to an employer, the employer has a duty to make reasonable adjustments at work for the employee. Despite this legislation, disclosing a disability to an employer is a very personal decision with potentially far-reaching consequences for the employee.

The duty to make reasonable adjustments is embedded in the Equality Act 2010. It states that it is unlawful to discriminate against workers because of a physical or mental disability or to fail to make reasonable adjustments to accommodate a worker with a disability. This relates to both current disabled employees, employees who become disabled, and any prospective employees, meaning employers must make reasonable adjustments in the recruitment and employment of disabled people.

What is meant by 'reasonable'?

Employers are not legally obligated to implement changes that may be considered unreasonable due to factors like:

- How effective the adjustment would be in overcoming the disadvantage
- How practicable it is to make the adjustment
The financial and other costs incurred by the employer and the extent of any disruption to activities
- The extent of the employer's financial and other resources
- The availability of financial and/or other assistance in making the adjustment
- The nature of the employer's activities and size of undertaking
- Whether the adjustment enables the person to carry out their work

The criteria can make the outcome uncertain, and negotiations about reasonable adjustments often rest upon how well either side can argue that changes are 'reasonable'.

What is a reasonable adjustment?

A reasonable adjustment is an alteration an employer could make to enable a disabled person to continue to carry out their duties without being at a disadvantage compared to

others. An adjustment that would mean that as far as is reasonable, a disabled worker has the same access to everything that is involved in applying for, doing, and keeping a job as a non-disabled person. Many of these adjustments will be simple and inexpensive. These include providing a nearby parking space, providing a piece of equipment or allowing for regular breaks.

Time limits

If an employer fails to make a change that is later found to be reasonable at an Employment Tribunal, then the employer may be ordered to pay compensation, as well as implementing the change itself.

Many of our members find that they wait too long for reasonable adjustments to be put in place putting them at a huge disadvantage in being able to do their job effectively. These can cause personal stress and anxiety as well as placing pressure on colleagues or be targeted for capability and performance issues. Many members dread going into work where they are being set up to fail. A time limit on decision and implementation of adjustments would give members the confidence and structure to do their job.

Disclosing a disability

SUCU branch members can talk you through why disclosing a disability is a positive action. This supports accessing reasonable adjustment and the requirements within the Equality Act 2010 for employers to make those reasonable adjustments. The UCU ['disclosing a disability' guide](#) outlines some of the advantages that disclosure can trigger when related to current equality and employment law, when you are obliged to disclose a disability and when you are not, and some of the wider issues around creating a culture and a working environment where people feel able to disclose.

Barriers to disclosing a disability:

- One of the biggest barriers for getting reasonable adjustments is being on an insecure contract. In a university with aggressive management it is difficult to disclose due to fear of losing your job.
- The other problem with disclosing and reasonable adjustment is not being able to be accompanied by a trade union rep to a meeting with management. In some universities staff members can only be accompanied by a trade union rep if the meeting is about full disciplinary meeting.

Raising Awareness

How could we give staff the confidence to disclose?

Peer to peer support is important to assist disabled people to overcome their fear of disclosing.

How difficult is it to get reasonable adjustments?

If a disabled person does not disclose their disability, then they cannot claim reasonable adjustment. However, staff are not always confident to disclose their disability. It often transpires that staff members who are going through capability process, have long term disability condition which has not been disclosed but at that stage it is too late, as employers would point out that reasonable adjustments could not be made as they were not aware of the situation.

Disabled people face many barriers in getting a job and then at the workplace. The Equality Act 2010 places a duty upon employers to make adjustments that aim to remove these barriers wherever reasonable, so that a disabled person is not put at a disadvantage when compared to a non-disabled person. These adjustments may include changes to ways of working, removal of physical barriers, or providing extra support in a number of other ways.

Resources to support members with disabilities and stand against disability discrimination

Disability awareness toolkit

David's Story: SUCU members can use [this disability awareness toolkit](#) as a guide to make interventions around disclosure and reasonable adjustments.

Guidance on reasonable adjustments

UCU has produced guidance for members on reasonable adjustments. This was developed with the UCU disabled members' standing committee, and provides information, examples and resources on your right to reasonable adjustments and how to negotiate for them in your branch.

[Download the guidance here.](#)

Access to work

Get help at work if you're disabled or have a health condition. If you're disabled or have a physical or mental health condition that makes it hard for you to do your job, you can: talk to your employer about changes they must make in your workplace; apply for [Access to Work](#) if you need extra help

Stress at Work Toolkit

UCU has a number of publications relating to stress including research, guidelines and model risk assessments, which you [access here](#).

Support with mental health conditions and issues

The UCU Disabled Members' Standing Committee has produced [a toolkit](#) that aims to provide practical guidance to reps in dealing with mental health issues, and is a companion to "1 in 4", UCU's publication on mental health in the workplace

Enabling not disabling

[This guide](#) is for UCU branches on the rights of UCU's disabled members, with a resource section at the end. It is a general guide and branches should also refer to guides on particular issues for disabled members.

Disability Leave

UCU briefing on disability leave. Institutions should have a separate policy for disability leave, but [this brief guide](#) provides some useful definitions, guidance and links around what disability leave is and how it differs to regular sick leave.

About us

Sheffield University and College Union is the only body recognised by the University to represent, and negotiate on behalf of academic, academic-related and research staff. The SUCU Committee consists of volunteer members of staff whose work (on the membership's behalf) includes: negotiating terms and conditions with the University, advising and assisting members regarding work related issues, campaigning, and providing information on issues relevant to trades unions. [Join us now.](#)

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