

These are ten “basics” that you need to remember to ensure that you meet your duties as an employer under the Disability Discrimination Act (DDA). The list is not exhaustive, but the more times you think about it and apply it to different situations, the more you will understand what the law is really about.

- **Do take time to think about how the law will affect you. It is businesses that have given no thought to it at all, and have made no attempts to meet their duties, which are likely to end up discriminating.**
- **Do consult a disabled person about any reasonable adjustments they might need to enable them to do the job.**
- **Do talk with your staff about the DDA and the issues it raises. You will find that “putting your heads together” can help you all to understand the issues and come up with solutions.**
- **Do remember that if you employ a disabled person, you are more likely to be able to respond to the needs of your disabled customers, because you will be familiar with some of the issues.**
- **Do ask for advice – you are not expected to know everything all at once. The DRC is here to help you. You can also use other advice services like ACAS, the job centre, your local Business Link or Chamber of Commerce.**
- **Do treat disabled people with respect and dignity. People may not “look” or behave in a way that you are used to but they should still be treated as an equal.**
- **Do remember that the law only requires you to do what is reasonable.**
- **Don’t make assumptions about disabled people. Many disabled people cannot get a job because employers wrongly assume that they are unable to do the job effectively.**
- **Don’t assume that making reasonable adjustments will cost lots of money – most cost nothing and the average is £75. Many adjustments are about doing things a little differently. Remember that you may be able to use Access to Work to pay for many adjustments.**
- **Don’t be fearful of employing disabled people. Disabled people want to get a job and to do it well. You want skilled and good quality staff, so if you do your best to make your work practices fair, everyone will benefit.**

Images: Anne Worthington, James Brown

From October 2004, it will be unlawful for any employer to discriminate against a disabled person because of their disability. You cannot discriminate:

- in the recruitment process
- in their terms and conditions of employment
- in chances for promotion, transfer, training or other benefits
- by dismissing them unfairly

- by treating them less fairly than other workers
- by subjecting them to harassment.

## What does “discriminate” mean?

Discrimination can happen in the following ways:

- (a) direct discrimination
- (b) failure to comply with the duty to make “reasonable adjustments”



- (c) treating a disabled person less favourably
- (d) harassing a disabled person
- (e) victimising a disabled person.

### **(a) Direct discrimination**

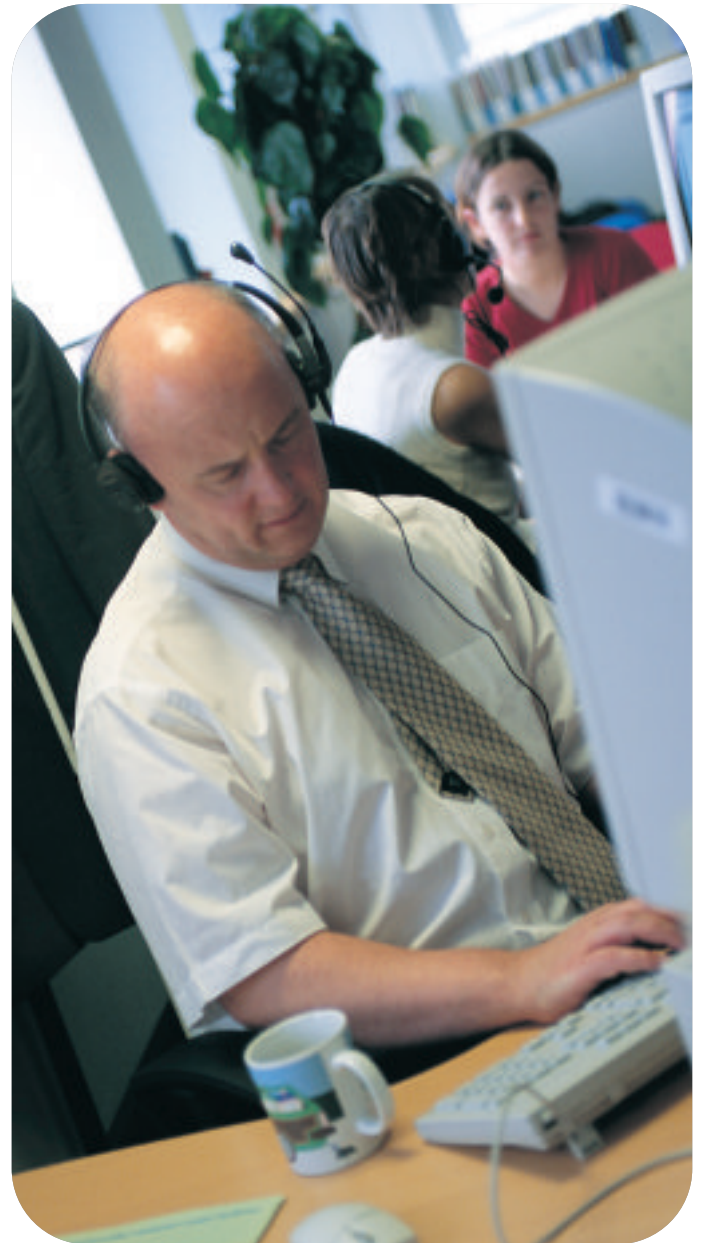
The Act says that an employer's treatment of a disabled person amounts to direct discrimination if the treatment is:

- a. on the grounds of his/her disability  
AND
- b. less favourable than the way in which a person not having that particular disability is (or would be) treated.

### **(b) Failure to comply with a duty to make reasonable adjustments**

Employers have a duty to make reasonable adjustments for disabled job applicants or disabled staff when a provision, criteria or practice applied by the employer, or a physical feature of their premises, puts the disabled person at a substantial disadvantage. Some examples of reasonable adjustments are:

- altering the person's working hours
- acquiring special equipment or modifying existing equipment
- allowing absences during working hours for rehabilitation, assessment or treatment
- supplying additional training



- modifying instructions or reference manuals
- providing additional supervision and/or support
- making physical adjustments to premises.

### **When is it reasonable to make an adjustment?**

The DDA lists a number of factors that may influence whether it is

reasonable for the employer to make a particular adjustment. These are:

- how effective the adjustment is in preventing the disadvantage
- how practical it is
- the costs of the adjustment and the extent of any disruption
- the extent of the employer's financial or other resources
- the availability to the employer of financial or other assistance
- the nature of the employer's activities and the size of the business.

For example, if you run a small corner shop, it may not be reasonable for you to adapt the inside of the shop completely so that you can employ a wheelchair user as a counter assistant. However, many disabled people are not wheelchair users and can work in the shop, e.g. a person with a hearing impairment. You may be able to improve the circulation space – which is likely to benefit your customers as well.

You will not be able to justify not making an adjustment that is considered reasonable.

### **(c) Treating a disabled person less favourably**

The Act says that an employer's treatment of a disabled person

amounts to less favourable treatment if:

- a. the treatment is for a reason related to his or her disability  
AND
- b. the treatment is less favourable than the way that he/she would treat others to whom that reason does not (or would not) apply.

For example, you may give all of your staff training on a new process in your business but if you do not offer that training to disabled staff members you are treating them less favourably.

### **(d) Harassment**

Harassment is when a person:

- behaves in a way that might violate the disabled person's dignity OR
- creates an intimidating, hostile, degrading or humiliating environment for a disabled person AND
- this behaviour is because of that person's disability.

### **(e) Victimisation**

It is unlawful to victimise people because of their disability. It is also unlawful to victimise a person who has instigated or taken part in legal proceedings under the Act or who has alleged in good faith that someone else could be in breach of the Act.

By now you might be thinking “Well, why should I bother?”

Making sure that you can recruit and retain disabled people in your workforce isn't something you should do just because there's a law about it or because it's a good thing to do.

Making sure you are open to employing disabled people can help you to:

- attract and keep able staff – the best person for the job may be a disabled person
- make your workforce more representative of the community it serves
- avoid undervaluing, under-using or losing able staff
- avoid the costs and uncertainties of recruiting and training someone new when you could have kept an employee – and kept valuable customer and business expertise within the organisation
- improve staff morale and productivity
- improve the way all staff are managed
- help to develop good practice that also improves customer care
- help to avoid claims of unlawful disability discrimination.



People who have had a disability for at least 12 months in the past are also covered, even if they have recovered – for example, those who have had episodes of mental ill health.

People with severe back pain or arthritis can be covered by the Act if it means that their ability to do normal day-to-day activities is substantially impaired.

But while people may be “disabled” according to the law, most disabilities can be dealt with in practical ways, such as computer software, wheelchairs, adapted cars, machines that convert type into Braille, induction loops and textphones. Some disabled people need flexibility in the hours that they work, such as a late start or part-time work. None of this need affect their ability to do a good job. Indeed, many disabled people have developed a flexible, practical, can-do approach to life that can be a real asset in a small company.

Many adjustments are low or no cost, such as ensuring that someone has the nearest parking space to an office or can take rest or food breaks in ways that help them manage diabetes or other conditions. For more expensive adaptations and equipment, help may be available

from Jobcentre Plus under the Access to Work scheme.

Some conditions are not considered disabilities under the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (unless the substance has been medically prescribed)
- the condition known as seasonal allergic rhinitis (e.g. hayfever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of others
- exhibitionism
- voyeurism.

There is no longer a national registration scheme for disabled people (what used to be called the green card scheme). Disabled people can still register with their local social services departments to get support services but not every person who would fit the Act’s definition is “registered” with their local social services department.

There are also no quotas for employers to employ a certain number of disabled people. These were removed when the DDA was passed in 1995.

Disabled people aren't just people who use wheelchairs or assistance dogs. There are many types of disability and you often can't tell just by looking at someone whether they are disabled.

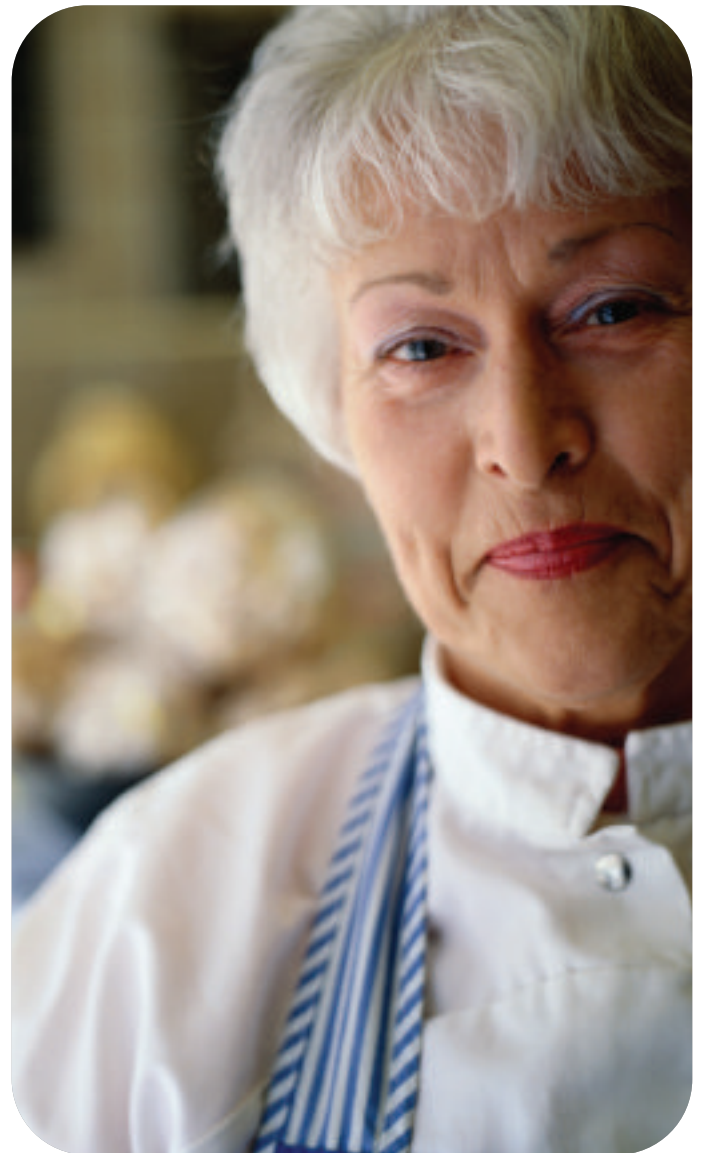
A "disabled person" is legally defined as someone with "a physical or mental impairment that has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities".

Normal-day-to-day activities include:

- mobility – e.g. being able to walk to the local shop
- manual dexterity – e.g. typing
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speaking, hearing or seeing
- memory or ability to concentrate, learn or understand
- perception of the risk of physical danger.

The Act includes people with facial disfigurements.

The Act can also cover people with progressive conditions such as HIV,



cancer or Multiple Sclerosis, and those with "hidden" disabilities like dyslexia, heart disease, depression, diabetes, asthma and epilepsy, when those conditions mean that they experience some effect on their ability to undertake normal day-to-day activities.

Images: Anne Worthington, James Brown

Many small businesses cannot afford to pay for large recruitment adverts. They use other ways of attracting staff, such as agencies, the job centre, adverts in the local newspaper or business press, notices on the window of their premises or by word of mouth. All of these methods of recruitment need to take the DDA into account. Below are some suggestions that may help.



### **Local newspaper/business press advert**

Adverts in a local paper can be expensive; so many employers try to use as few words as possible. If this is the case, you should allow people to use a variety of methods to respond to an advert so that they can find out more about the job. For example, if someone has a hearing impairment and cannot use a telephone, they can still contact you by letter, in person or by email about the job. If you can afford more space in the advert, say that you encourage applications from disabled people and that you will attempt to meet any requests for reasonable adjustments.

### **Job centre**

Your local job centre (now called Jobcentre Plus) will need some basic information about the position you are advertising. They will want details of your company, the wages you are offering, a brief description of the job and how you want people to apply.

Although your job information will be sent to a national database helpline, you will need to talk to the vacancies manager at your local job centre about how to advise disabled people if they are interested in applying for the job.

Try to give as many options as possible for applying, e.g. by telephone, fax, email, letter or in person. You may also want to say in the advert that you welcome applications from all sections of the community.

Staff at your local job centre will be able to talk to you about employing disabled people (including continuing support from them) and they may be able to get you specialist advice. Further information on this and other Jobcentre Plus services is in the Money and Help section.

### **Shop window advert**

If you put a sign in your shop window advertising a vacancy, this should be easy to spot and easy to read. This might seem obvious but if a person with dyslexia, for example, wished to read it, they might take a little longer to do so and therefore the advert

needs to be in a place where they can take a few moments to read it.

### **Website**

If you have a website and use it to advertise, then it should be accessible to those who use computer screen reading technology. For more hints about this, please go to the DRC's website at [www.drc-gb.org](http://www.drc-gb.org).

### **Other places to advertise**

You could also advertise:

- with a Disability Employment Adviser at the job centre
- in newsletters of local disability organisations
- in talking newspapers
- in specialist disability magazines, for example Disability Now or the Disability Times
- on Jobability.com ([www.jobability.com](http://www.jobability.com)) – a website where employers can register vacancies aimed specifically at disabled jobseekers
- supported employment agencies – they can also give ongoing support to help you employ disabled people.

## Word of mouth

You may not automatically think of telling a disabled person that a job is available, or you may not have much contact with disabled people at all. The suggestions above may help you to make contact with disabled jobseekers. Disabled people may also approach you on the “off-chance” that you know of a job. Make sure that you don’t try and “put them off” because of assumptions about their disability.



Remember, when you advertise a job in any way, don’t include “blanket bans” e.g. saying that a person with epilepsy would not be considered for a job as a driver. You must treat each disabled person as an individual. Of course you must apply a degree of common sense to any situation. For example, it is not likely to be reasonable to employ someone with a visual impairment to act as a roving security guard around your premises. However, they could do clerical work and answer the phone.

Remember also that you may discriminate even if you act in good faith:

**Example** – You advertise for a person to work on reception in your small hotel. A man with a facial disfigurement applies for the post. He has had experience in this type of job and has a good reference. If you refuse to employ him because you think customers may be “put off” by his appearance, or you worry that customers may make comments, you are still discriminating against him because you are making the decision based upon his disability. Disabled people encounter negative attitudes in many aspects of their lives. They need the chance to show what they can do.

Many small businesses do not use a formal application form. If you do, try to ensure that the layout is as clear as possible, and only ask for the information you really need to select the right person for the job.

You may need to make adjustments such as providing an application form in an alternative format (e.g. large print) and allowing a candidate to submit an application in a different format, e.g. on tape or by email. Make sure that people can access what you send to them. By talking with them about their needs, you can come to an arrangement that suits both parties.

If you ask for CVs, you should make provision to accept these in a format that is suitable to the disabled person, e.g. a person with a visual impairment may find it easier to send you an electronic copy of their CV.

Many small businesses do not use any formal process at all, and may just ask people to “come in for a

chat”. If this is the case, you will still need to ensure that you do not discriminate against disabled people. Ask people whether they would need any reasonable adjustments to help them give the best account of themselves when they come in to see you. For example, a visually impaired person may need someone to come out and meet them on the street or a person with a hearing impairment or a learning difficulty may need to bring communication support with them, and this may take them a little time to arrange.

Try to ensure that staff members involved in the application process are aware that other formats for applications are acceptable and know where to get support if they need it.

You must ensure that you allow applicants to say whether any special provisions or facilities are needed in the process of trying to get the job.

It is better not to ask applicants if they are disabled where this isn't obvious.

If you only ask them this, it won't tell you much about the person. It would be much better to ask whether the applicant needs you to make any adjustments in the selection or interview process, or to the job if you want to appoint them. Remember that even if you use a more informal process, you still need to check whether a reasonable adjustment needs to be made.

If you use formal job descriptions and person specifications you need to review these when you decide to fill any vacancy. You need to make sure that any specific needs can be justified. If you ask for a particular qualification, you should consider waiving this requirement if a person who could not achieve it because of a disability would still be capable of performing well in the job.

## **Interviewing**

If you know in advance that a candidate will need some adjustments to attend and/or to take part in a selection interview, you will need to arrange this. Even if you do not know in advance, you should try



to accommodate any requirements a disabled person might have when they arrive. The responsibility to make these arrangements rests firmly with the employer and not the disabled person, although they may be able to advise where and how you can arrange support services (e.g. who you could contact to arrange sign language support for a deaf person).

Interviews should be objective and non-biased. When interviewing disabled people, don't let any misconceptions about disability influence your view about whether a person can do the job. Each of us has

strengths and weaknesses. Disabled people often develop innovative solutions to everyday challenges, with or without technical aids or personal support.

Any questions about a disabled person's impairment should only relate to their ability to do the job. It can be very useful to allow them to guide you through their qualities and limitations, as they know their needs better than anyone else. This will help you to find out whether the person needs any adjustment to the job itself and what it might be.

### **Example**

An employer should not assume that a mechanic who is hearing impaired could not be employed at a small firm for fear that he is highly likely to be injured by vehicles moving in and out of the garage. A reasonable adjustment for this person might be allowing him to work in a corner of the garage facing outward so that he can see moving vehicles.

You and your staff need skill and understanding to interview job

candidates. Staff training in disability equality can be a good way of reducing the risk of discriminatory attitudes.

Even if you cannot afford to provide training from an outside organisation, and you do not feel you have the knowledge and experience to do it yourself, there are other options. See Money and Help section.

There is nothing in the DDA that says that you can't appoint the best person for the job. The point is to make sure that the circumstances are right to allow a disabled person to make an application like anyone else. By removing barriers for them, you should be able to find out whether they ARE the best person for the job.



not always need to know details of someone's disability. You should be aware that the disabled person may want to keep these matters confidential, and this should be respected. For example, a person with diabetes may need to eat more often or at different times than other staff, and they should be allowed to do this.

You might want to assign another member of staff to support the new employee, especially in their early days, if this is appropriate.

Many small businesses do not use formal training, and train "on the job". You still need to take account of particular needs. For instance:

- individual training for a disabled person to use adaptations or special equipment
- training over a longer period, for example, for someone with a learning disability or where a condition, such as chronic back pain, means they can only attend for shorter periods
- retraining to enable someone who becomes disabled to stay in their present job or take a redesigned job.

If you use outside training providers, you need to ensure that disabled staff can access their services – where the training takes place, the processes and the equipment. The DRC can give you information about local organisations that can help.

You might have to make adjustments during the introduction phase, such as having an induction (hearing) loop available for people with a hearing impairment. You may also need to get other formats of manuals and presentation packs, e.g. Braille or large print. Videos may need subtitles or signing for British Sign Language users. The important thing is to talk to disabled staff to see how you can meet their needs. You may think you can't afford to put your materials into alternative formats, but there is help available – see Money and Help section.

Once your disabled staff members are in place and working well, don't forget that they should have an equal chance to learn other skills or train further to progress in the company.

Many small businesses do not have a formal induction process. They may simply show new employees around or introduce them to the team or person they will be working with. During this process you will need to make sure that you point out any facilities that might be useful for the disabled person. For example, someone who has diabetes may like to know there is a private place for injecting insulin if they need to, and

that there is a place where they can store their insulin safely.

Most importantly, you will need to ensure that managers, supervisors and work colleagues are properly briefed about the person's needs, if any, and ensure that they do not discriminate against the new recruit. They need to understand the adjustments you have made but may



Images: Anne Worthington, James Brown

has become disabled. Retaining a disabled person also gives you insight into how disability might affect some of your customers.

There are sound business reasons for retaining employees who become disabled. They will know about the company's products and methods of working. They may also know your customers and business colleagues well, and by making reasonable adjustments, you ensure that they continue as a valuable member of your team.

Some of the most effective adjustments are:

- changes to working hours e.g. reducing hours, changing shift patterns, or allowing time off for hospital or rehabilitation appointments
- changes to duties and/or giving to another employee minor tasks that the disabled person can no longer do
- transferring the disabled person to an existing vacancy

- providing practical aids and technical equipment.

Of course, the options for a small business are likely to be more limited than for big companies. For example it may not be realistic to allocate duties to another person, or to transfer the disabled person to another suitable post. However, adjustments are often more manageable than you might think. If changes aren't feasible and you need to end a contract, you must make sure that you have consulted disabled staff about possible changes before making that decision.

What is reasonable for you to do when a member of your staff becomes disabled will depend on the size, nature and resources of the business.

Don't forget that you can use the Access to Work scheme to help you keep your disabled staff (see Money and Help section).

If staff members become disabled, or the impact of their disability changes, you have a duty to consider what reasonable adjustments could be made to enable them to continue working in your business. Most disabled people become disabled during their working life and the incidence of disability increases steadily from the age of 45, so it is

important that employers consider how they can meet their duties under the DDA.

Research shows that the cost of adjustments for disabled staff can be far less than those of recruiting and training new staff. You may also find that customers react positively when you retain someone they know who



## **Disciplinary Action**

The DDA does not stop you from taking action if your employee's performance is poor or disciplining them for inappropriate conduct. But you must not penalise an employee because of their disability.

If you feel you need to take disciplinary action against a disabled employee, your employee and their managers must have fully considered and be aware of any reasons related to that person's disability that might have resulted in the incident(s).

You should try to find out why the employee has acted in such a way, to be certain the behaviour is not as a result of disability. If you do need to take disciplinary action, you must ensure that the disabled person is treated fairly, e.g. in terms of having

time to prepare for any proceedings and being kept informed about what is happening and why, so that they are not at a disadvantage.

It is worth noting that there must be reasonable adjustments for arrangements for disciplinary action or interviews in the same way as for other things, e.g. making sure a deaf employee has a sign language interpreter.

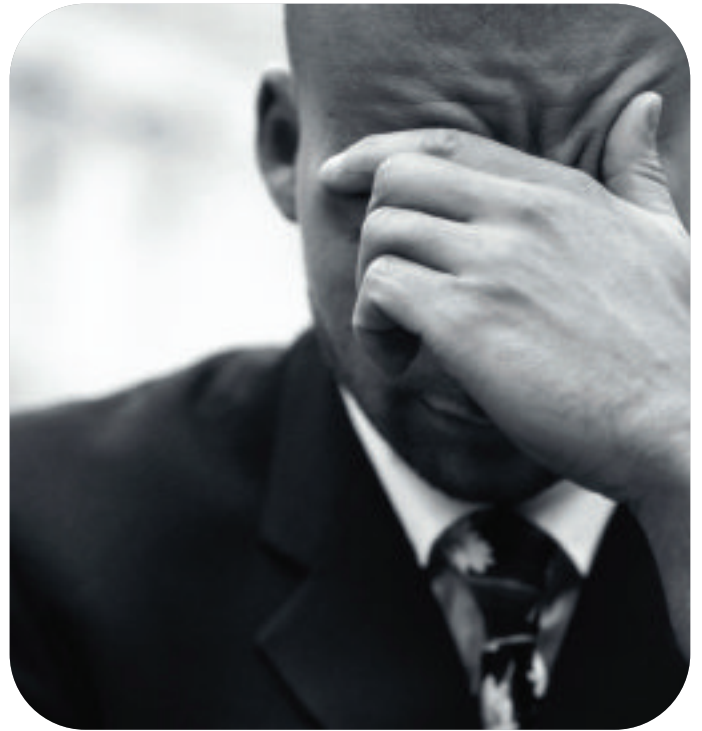
## **Example**

A man with a learning disability sometimes shouts at his workmate. Some people with learning disabilities may sometimes find social/work relationships challenging. As an employer you need to check whether you need to give any support to help this disabled person in his job. You

may also need to check whether his workmates need more information about the man's disability to understand his behaviour. Many people are able to overcome problems of social interaction if they have a supportive working environment.

### **Example**

A man with a visual impairment is reported for stealing money from the company's petty cash tin. You will need to investigate the incident, and ensure that communications with the disabled person about the incident (e.g. meeting, note or letter) are accessible to them. You need to ensure that the conduct was not related to the person's disability. For example, it may be that he mistook one type of note for another. If the person has stolen the money, and the process to establish this was fair, it is likely to be reasonable for you to terminate the employment.



### **Dismissal**

Dismissal on the grounds of capability should only be after careful exploration of all the possibilities e.g. whether reasonable adjustments could be made. Often it is appropriate to get expert advice before dismissing an employee. You can get this from the Disability Employment Adviser at your local job centre or the DRC Helpline. If you seek medical advice

about a disabled employee, remember that it is your responsibility to make a decision about dismissal.

Retention policies, including adjustments to help adapt jobs to people, or to help people move to a more suitable job, can prevent dismissals. As a small business, however, you may have little room for manoeuvre in redeploying staff, and may have to dismiss someone. Provided that you have fully considered any reasonable adjustments to help a disabled person, you are likely to have acted fairly.

## **Redundancy**

In general the same arrangements, duties and requirements for redundancy apply to disabled and non-disabled people. But you must recognise that it can sometimes be easy to unintentionally discriminate

against a disabled person in these situations. For example, if a disabled person has had more time off sick because of disability, this should not be a reason to dismiss them, if their attendance record, discounting absence due to disability, is at least as good as that of other employees.

Many small businesses do not have a sophisticated process for deciding when to terminate an employee's employment, but you must ensure that you take account of the person's disability.

## Example

The owner of a small restaurant denies a job handling food to someone who is disabled through HIV, because she thinks customers will fear that the condition could be transmitted. This is likely to be unlawful because there is no risk of transmitting HIV through food handling, and the employer can make reasonable adjustments to ensure food safety standards are maintained.

Some employers worry about disabled people being a “fire hazard” in an emergency. It is your duty to ensure that you can evacuate disabled staff safely in an emergency, just as you have a duty of care to all of your staff. So, for example, if you have a hearing impaired member of staff, they could be given a vibrating pager alarm, or a flashing light could be fitted to ensure that they know they must leave the building. You

may need to take a little extra time to talk through with a disabled person how you would get them out of the building in the event of an emergency (this is often called a personal evacuation plan). You can get advice from your local Community Fire Safety Officer but the responsibility lies firmly with you, the employer, to ensure the safe evacuation of your disabled staff. Any action you take is likely to improve procedures for all staff.

You cannot automatically prohibit someone with epilepsy from working around machinery. Some forms of epilepsy are more severe than others or are not well controlled. On the other hand, some people with epilepsy know when a seizure is coming and when to move away from potentially hazardous situations. Sometimes seizures occur only at night. You must consult the disabled person about their disability and ask about any reasonable adjustments that you could make to ensure their safety.

You may be concerned about the health and safety implications of employing a disabled person. It is rare that health and safety issues are a reason not to employ a disabled



person. Often where an employer makes a reasonable adjustment to employ a disabled employee, health and safety for all is improved.

In some environments, health and safety is a crucial factor, e.g. in a factory, warehouse or construction. The DDA still applies here, and therefore you should consider the adjustments needed to enable a disabled person to work safely.

Think about how you can make the work environment safe for a disabled person, rather than thinking about the barriers to employing them. For example, you may need to see if you can buy special equipment to assist that member of staff (see the Money and Help section).

## **Health and Safety Executive**

The Health and Safety Executive can give information and guidance:

Telephone 08701 545 500  
Textphone 02920 808 537  
Email  
hseinformationservices@natbrit.com  
Website www.hse.gov.uk

You can also get help on fire safety from the Community Fire Safety Officer at your local fire station.

## **Centre for Accessible Environments**

Centre for Accessible Environments,  
Nutmeg House, 60 Gainsford Street,  
London SE1 2NY

Tel/textphone 020 7357 8182  
Fax 020 7357 8183  
Email info@cae.org.uk  
Website www.cae.org.uk

## **DRC Helpline**

Our website has lots of further information about the Disability Discrimination Act:

[www.drc-gb.org](http://www.drc-gb.org)

If you can't find what you need there, a free Helpline is available between 8am and 8pm, Monday to Friday. We won't be able to give specific advice on particular situations but we can help with information and general advice on what the law means.

You can contact the Helpline by:

Telephone 08457 622 633  
Textphone (minicom) 08457 622 644  
Fax 08457 778 878  
Email enquiry@drc-gb.org  
Post DRC Helpline  
Freepost MID02164  
Stratford upon Avon  
CV37 9BR

There are many sources of help and advice for small businesses. Some are listed below.

## **Access to Work**

Your local job centre operates this UK government scheme. It gives practical advice and support to disabled people and their employers to help overcome work-related obstacles.

Access to Work can pay a grant towards certain extra employment costs of disability. For example, it can help pay for:

- a communicator at a job interview if an employer is interviewing a deaf or hearing impaired person (e.g. a British Sign Language interpreter)

- a support worker, such as a reader at work, for a blind or visually impaired person
- specialist equipment to meet a disabled person's particular requirements in work, such as voice activated software
- adaptations to premises or to existing equipment such as installing an accessible toilet
- help with extra travel costs to, or in work, incurred because of a person's disability.

Whatever the employment status of the applicant, Access to Work pays up to 100% of the approved costs of help with:

- support workers
- fares to work
- communicator support at interview.

For people who have been in the job for six weeks or more and need special equipment or adaptations to premises, Access to Work pays a proportion of the costs of support, as follows:

<b>Approved Cost</b>	<b>Maximum Access to Work contribution</b>
Less than £300	Nil
Between £300 and £10,000	80% of cost over £300
Over £10,000	80% of the cost between £300 and £10,000 and 100% of cost over £10,000

NB: This information was correct at the time of going to print but you should check with your job centre.

Your local job centre also operates a number of other schemes to assist employers to employ disabled people and they will be happy to explain these to you.

## **Disability Organisations**

Disability organisations such as the Royal National Institute of the Blind (RNIB), the Royal National Institute for the Deaf (RNID), the Royal Association for Disability and Rehabilitation (RADAR), MIND and MENCAP may be able to provide further help for specific disabilities and the workplace.

## **Business Link**

Your local Business Link can give advice and guidance. If you call the national enquiry number you will automatically be put through to your nearest branch. The number is: 0845 600 9006.

## **Citizens' Advice Bureaux**

Legal advice can be expensive but you should be able to get some preliminary advice on legal issues concerning the employment of disabled people from your local Bureaux. They can also put you in touch with your local welfare adviser, who can advise on benefit arrangements for disabled people to enable them to work or continue working.

## **Your Bank**

Most banks operate dedicated advice services for their small business customers. You should contact your local branch to speak to someone.

## **Supported Employment Agencies**

These agencies work with employers to support disabled people into employment and you can advertise job vacancies with them.

### Association for Supported Employment

Telephone 0161 633 7754

Email [afse@onyxnet.co.uk](mailto:afse@onyxnet.co.uk)

Website [www.afse.org.uk](http://www.afse.org.uk)

### **1. Will it cost me a lot of money to employ a disabled person?**

It may cost you nothing. Research shows that the average cost of reasonable adjustments is very low – around £75. Most adjustments are simple and low or no cost – such as a later start, meeting a request to work part-time, or allowing someone to use a car parking space. Not every disabled person needs special equipment or support, and if they do, Access to Work can help to fund this (see the Money and Help section).

### **2. I want to make my premises more accessible for staff and customers. What should I do?**

The DRC recommends that you get a properly qualified access auditor to assess your premises, such as someone who is on the National Register of Access Consultants, administered by the Centre for Accessible Environments. This can be expensive, however, and you can also get advice on access from your local authority access officer, or even by consulting local groups of disabled people. If you want to employ a disabled person and wish to improve access, contact the Access to Work

team, who will be able to advise you. Remember, being disabled may not affect someone's ability to do the job in any way.

### **3. What if a disabled person has never worked here before?**

There are about 8.6 million disabled people in the UK, so the chances are that you know some disabled people well. Remember that disability is not always "obvious", e.g. people with epilepsy or diabetes may be covered by the Act. You may already have disabled staff in your company, but haven't realised, because they have not asked for any adjustments. Provided that you talk with the disabled person about adjustments they may need, you will be on the right track.

### **4. What if I am accused of discrimination?**

If a disabled person feels that you or someone who works for you has discriminated against them, they may raise this with you. You may want to explore whether you believe they have grounds for complaint and whether action is required. You may be able to make adjustments or deal with someone who is harassing the disabled person.

It is possible that someone who feels they have been discriminated against may lodge a claim with an employment tribunal. In this case, you should seek legal advice. The disabled person might contact the DRC Helpline. It is because of this potential conflict of interest that the DRC can only advise employers on

the general terms of the law. We try to be as helpful as we can – believing prevention is better than cure. However, if someone makes a complaint to us and we feel that they have a strong case, we may provide legal support.

The most important thing is to take seriously any issues a disabled employee raises – as you would with any other employee – and to try to resolve it. Most people just want to get on with their job on equal terms with others and will respond positively if you show that you are willing to make necessary changes.

## **5. I have an employee who has been off sick for a long time. Can I dismiss them?**

The employee could meet the definition of disability in the Disability Discrimination Act and their time off may be related to their disability. You must do your best to find out from the employee when they might be able to come back to work – you will need their permission to talk to their doctors. You must also talk to your employee about what adjustments you could make to help them get back to work. You must only think about dismissal as a last resort and only after taking legal advice. There are many reasons for long-term absence and it is a good first step to try to find out whether the leave relates to personal circumstances or difficulties at work, such as harassment or stress.

adjustments they can make and the Act does not ask them to act in a way that might constitute unfair treatment of a non-disabled staff member.

### **Case 8 – Health and safety**

A man with a learning difficulty is required to work mostly alone in a stockroom. The employer should ensure that he is given proper training on doing the job safely. Remember that people with learning difficulties may take longer to understand instructions and practical demonstrations may help them to understand. Employers should not automatically assume that a disabled person is a health and safety risk. If there are issues that you are concerned about, talk with the disabled person about these and what can be done to address them.

### **Case 9 – Reducing working hours**

An employer is told that a disabled man needs to reduce his hours because of disability. The employer contacts his local welfare rights adviser who can advise on what benefit arrangements can be made so that the employer can reduce the man's hours and pay, without his suffering financial loss. This arrangement also means that the employer can afford to employ another person part-time to do the rest of the work – and avoids the possibility of a case of disability discrimination.

These examples illustrate the implementation of the DDA, to help you understand what the Act means in practice.

## **Case 1 – Job requirements**

A firm needs a person to assist with office duties who has an RSA typing qualification. Someone with a visual impairment applies for the post, but does not have this qualification. However, they do have a good level of typing accuracy and speed. The employer could ask them to do a typing test – provided that this took their impairment into account – giving them a fair chance to show their ability.



## **Case 2 – Retention of disabled staff**

A woman develops Multiple Sclerosis and asks her employer, a small furniture company, to make the reasonable adjustment of installing an accessible toilet. Her employer refuses on the grounds of cost and because the company is in a listed building.

The employers should have at least investigated installing an accessible toilet in the premises, and the costs. They could have asked Access to Work to help pay for the adaptation to their premises. The employers should have based their decision on a careful evaluation of what was possible and what it might be reasonable for them to do, rather than assuming it was impossible to install the toilet.

## **Case 3 – A disabled person running a business**

A man has spondylosis in his spine and is also partially deaf with deteriorating eyesight. His disability means that the severity of his symptoms can vary. He runs a small business consultancy firm. Access To Work paid for an orthopaedic chair, speech recognition software, a laptop and projector, which free him from sitting all day. These adaptations ensured that his disability could be managed, so that he is able to run his small business effectively.

## **Case 4 & 5 – Working arrangements**

An accountant works for a small employer. His medication for depression causes extreme grogginess

in the morning and he is not able to begin work at 9 am, but could work from 10 am until 6.30 pm without it affecting his ability to complete tasks on time. Provided that this working pattern does not severely disrupt the business, it is likely to be a reasonable adjustment to allow him to change his working hours.

An employee with a disability asks to change her scheduled arrival time from 9 am to 10 am to enable her to attend physiotherapy appointments. She is able to stay an hour later. If this does not affect her ability to complete work on time or disrupt services to customers or the performance of other workers, it is likely to be a reasonable adjustment for her employer to change her working hours.

### **Case 6 – Allocating other duties**

A secretary has a severe back problem and is unable to move heavy objects. If moving boxes of files into a storage room is something she only does from time to time, this function could be given to other employees. This is likely to be a reasonable adjustment for a small business employer to make.

### **Case 7 – Impact of adjustments on other workers**

An employer makes an adjustment for a disabled member of staff by giving some duties to another person in the business. This may have an impact on the non-disabled person's workload. The law only expects the employer to do what is reasonable. Owners of small businesses have to think about what

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Very     Quite     Not Very     Not at all

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