

Employers have a duty to make 'reasonable' adjustments to the job and working environment if this would otherwise put a disabled employee at a substantial disadvantage. The new Equality Act says that the cost of the adjustment must not be passed on to the disabled person. Employers may have to make one, or several, of the following adjustments. Please note that this is not an exhaustive list, and that what could be considered reasonable for a large, well-resourced organisation may not be realistic for a much smaller one. Ultimately only a tribunal can decide what is reasonable. Depending on the circumstances, possible adjustments could include:

- Altering premises
- Allocating some duties to another employee
- Altering working hours
- Transferring the person to another place of work
- Allowing absences during working hours for rehabilitation, assessment or treatment
- Giving or arranging additional training
- Providing specialist equipment, acquiring or making changes to equipment
- Altering instructions in reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter or support worker / P A (personal assistant)
- Providing supervision

It is good practice for employers to assume that someone who identifies as a disabled person is likely to be covered under the Equality Act, rather than ask for proof before considering or making adjustments. Again, only an Employment Tribunal can decide whether someone is covered by the definition given in the Act in any case.

What might work well for one disabled person may not be appropriate for another disabled person with the same impairment, so it is essential that employers ask the disabled person about what could work for them rather than make assumptions.

Employers can find more detailed guidance on what could be considered reasonable in chapter 6 of the draft Code of Practice on Employment – a document that will be used by Tribunals to interpret the employment provisions of the Equality Act. This can be downloaded from Equality and Human Rights Commission's website at: http://www.equalityhumanrights.com/uploaded_files/EqualityAct/employment_code_05.10.10.pdf

You can also download some simpler factsheets on reasonable adjustments at the link below:

<http://www.equalityhumanrights.com/advice-and-guidance/guidance-for-employers/the-duty-to-make-reasonable-adjustments-for-disabled-people/>

Don't forget that employers should also consider making reasonable adjustments when you are applying for jobs as well as when you are already in one (they can only do this if they know you require them though!). Examples could be:

- Providing a particular type of seating at the interview
- Making sure that application materials are available in the right format for you – e.g. large print or audio
- Allowing extra time for assessment tasks
- Providing a British Sign Language interpreter

If you chose not to declare yourself as a disabled person at the recruitment stage, your employer still has a duty to make relevant adjustments if they later find out that you are a disabled person once employed.

Failure to make adjustments for a disabled person is against the law if it would be a reasonable thing for the employer to do, and not making them would put you at a substantial disadvantage. This is one of the most common reasons that disabled people take employers to Tribunals. We can talk through ways to put your case across to your employer, find ways to resolve things amicably to assist you to remain in your job without going down a legal route, and support you to find legal advice if this does become necessary.

As you will see from the examples given in the list above, many adjustments are very easy to implement and cost little or nothing to do. Often it is a case of thinking creatively and finding simple but effective alternatives. There is also funding available for employers to pay the full or partial cost of more expensive alterations. This is through the government's Access to Work scheme. Ask for our factsheet on this for more information.

Further good practice information is available online at
www.breakthrough-uk.co.uk.