

# 5. Your rights to equality at work: how you are managed.

Equality Act 2010 Guidance for employees.  
**Vol. 5 of 6.**



**Equality and  
Human Rights  
Commission**

July 2010

# Contents

<b>Introduction</b> .....	<b>1</b>
Other guides and alternative formats .....	1
The legal status of this guidance .....	3
<b>1. Your rights to equality at work: how you are managed</b> .....	<b>4</b>
What's in this guide.....	4
What else is in this guide .....	5
Your rights not to be discriminated against at work: what this means for how your employer must behave towards you .....	5
Are you a worker? .....	5
Protected characteristics.....	6
What is unlawful discrimination? .....	6
Situations where equality law is different .....	9
Positive action.....	11
What's next in this guide .....	12
Your access to facilities at work.....	13
Dress codes .....	18
When you are managed and appraised .....	21
Disciplinary procedures.....	22
If you become a disabled person .....	24
Dealing with harassment.....	25
How employers can sort out equality-related conflict through good practice .....	32

<b>2. When your employer is responsible for what other people do.....</b>	<b>34</b>
When your employer can be held legally responsible for someone else’s unlawful discrimination, harassment or victimisation.....	34
How your employer can reduce the risk that they will be held legally responsible .....	36
When your employer’s employees or agents may be personally liable.....	37
What happens if a person instructs someone else to do something that is against equality law .....	38
What happens if a person helps someone else to do something that is against equality law .....	38
What happens if an employer tries to stop equality law applying to a situation.....	39
<b>3. The employer’s duty to make reasonable adjustments to remove barriers for disabled people .....</b>	<b>40</b>
Which disabled people does the duty apply to?.....	42
How can your employer find out if you are a disabled person?.....	43
The three requirements of the duty.....	44
Are you at a substantial disadvantage as a disabled person? .....	45
Changes to policies and the way an organisation usually does things .....	46
Dealing with physical barriers .....	47
Providing extra equipment or aids .....	48
Making sure an adjustment is effective.....	48
Who pays for reasonable adjustments?.....	49
What is meant by ‘reasonable’ .....	50
Reasonable adjustments in practice .....	52
Specific situations .....	58
Employment services.....	58
Occupational pensions.....	59

Questions about health or disability .....	59
What happens if an employer asks questions about health or disability? .....	60
When an employer is allowed to ask questions about health or disability .....	61
<b>4. What to do if you believe you've been discriminated against .....</b>	<b>63</b>
Your choices .....	64
Was what happened against equality law? .....	65
Ways you can try to get your employer to sort out the situation by complaining directly to them .....	66
Making a complaint informally.....	66
Using your employer's grievance procedures .....	68
Alternative dispute resolution .....	69
What your employer can do if they find that there has been unlawful discrimination .....	69
What your employer can do if they find that there wasn't any unlawful discrimination.....	70
Monitoring the outcome .....	70
The questions procedure .....	70
Key points about discrimination cases in a work situation .....	72
Where claims are brought.....	72
Time limits for bringing a claim .....	73
The standard and burden of proof.....	74
What the Employment Tribunal can order your employer to do .....	75
Where to find out more about making a tribunal claim.....	76
<b>5. Further sources of information and advice .....</b>	<b>77</b>

# Introduction

This guide is one of a series written by the Equality and Human Rights Commission to explain your rights under equality law. These guides will support the introduction of the Equality Act 2010. This Act brings together lots of different equality laws, many of which we have had for a long time. By doing this, the Act makes equality law simpler and easier to understand.

There are six guides giving advice on your rights under equality law when you are at work, whether you are an employee or in another legal relationship to the person or organisation you are working for. The guides look at the following work situations:

1. When you apply for a job
2. Working hours and time off
3. Pay and benefits
4. Promotion, transfer, training and development
5. When you are being managed
6. Dismissal, redundancy, retirement and after you've left

## Other guides and alternative formats

We have also produced:

- A separate series of guides which explain your rights in relation to people and organisations providing services, carrying out public functions or running an association.
- Different guides explaining the responsibilities people and organisations have if they are employing people to work for them or if they are providing services, carrying out public functions or running an association.

If you require this guide in an alternative format and/or language please contact the relevant helpline to discuss your needs.

### **England**

Equality and Human Rights Commission Helpline

FREEPOST RRLG-GHUX-CTR

Arndale House, Arndale Centre, Manchester M4 3AQ

Telephone: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

### **Scotland**

Equality and Human Rights Commission Helpline

FREEPOST RSAB-YJEJ-EXUJ

The Optima Building, 58 Robertson Street, Glasgow G2 8DU

Telephone: 0845 604 5510

Textphone: 0845 604 5520

Fax: 0845 604 5530

### **Wales**

Equality and Human Rights Commission Helpline

FREEPOST RRLR-UEYB-UYZL

3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT

Telephone: 0845 604 8810

Textphone: 0845 604 8820

Fax: 0845 604 8830

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## The legal status of this guidance

This guidance applies to England, Scotland and Wales. It has been aligned with the Codes of Practice on Employment and on Equal Pay. Following this guidance should have the same effect as following the Codes. In other words, if a person or an organisation who has duties under the Equality Act 2010's provisions on employment and other work situations does what this guidance says they must do, it may help them to avoid an adverse decision by a tribunal in proceedings brought under the Equality Act 2010.

This guide is based on equality law as it is at 1 October 2010. Any future changes in the law will be reflected in further editions.

This guide was last updated on 23 July 2010. You should check with the Equality and Human Rights Commission if it has been replaced by a more recent version.

# 1. Your rights to equality at work: how you are managed

## What's in this guide

If your employer is making a decision, or taking action following a decision, about how to manage you, equality law applies to what they are doing.

Equality law applies:

- whatever the size of your organisation
- whatever sector you work in
- whether your employer has one worker or 10 or hundreds or thousands
- whether or not your employer uses any formal processes or forms to help them make decisions or manage your workers.

This guide tells you what your employer must do to avoid all the different types of unlawful discrimination. It recognises that smaller and larger employers may operate with different levels of formality, but makes it clear how equality law applies to everyone, and what this means for the way every employer (and anyone who works for them) must do things.

It covers the following situations and subjects (we explain what any unusual words mean as we go along):

- Your access to facilities at work
- Dress codes
- Being managed and appraised
- Disciplinary procedures
- If you become a disabled person
- Avoiding and dealing with harassment

This guide also suggests how employers can, through equality good practice:

- Avoid and sort out equality-related conflict

These can broadly be described as management issues that are not covered in the other guides in this series. All the titles in the series are listed at the beginning of this guide.

## What else is in this guide

This guide also contains the following sections, which are similar in each guide in the series, and contain information you are likely to need to understand what we tell you about how your employer manages you:

- Information about when an employer is responsible for what other people do, such as their employees.
- Information about reasonable adjustments to remove barriers if you are a disabled person.
- Advice on what to do if you believe you've been discriminated against.
- A list of words and key ideas you need to understand this guide – all words highlighted in **bold** are in this list. They are highlighted the first time they are used in each section. Exceptions to this are where we think it may be particularly useful for you to check a word or phrase.
- Information on where to find more advice and support.

## Your rights not to be discriminated against at work: what this means for how your employer must behave towards you

### Are you a worker?

This guide calls you a **worker** if you are working for someone else (who this guide calls your **employer**) in a **work situation**. Most situations are covered, even if you don't have a written **contract of employment** or if you are a **contract worker** rather than an **employee**. Other types of worker such as **trainees**, **apprentices** and **business partners** is also covered. If you are not sure, check under 'work situation' in the List of words and key ideas. Sometimes, equality law only applies to particular types of worker, such as employees, and we make it clear if this is the case.

## ***Protected characteristics***

Make sure you know what is meant by:

- **age**
- **disability**
- **gender reassignment**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation.**

These are known as **protected characteristics**.

## ***What is unlawful discrimination?***

Unlawful discrimination can take a number of different forms:

- Your employer must not treat you **worse** than someone else just because of a protected characteristic (this is called **direct discrimination**).

For example:

An employer refuses to give a worker access to facilities because of a protected characteristic.

- Your employer must not do something to you in a way that has a worse impact on you and other people who share a particular protected characteristic than on people who do not have the same characteristic. Unless your employer can show that what they have done, or intend to do, is **objectively justified**, this will be **indirect discrimination**. 'Doing something' can include making a decision, or applying a rule or way of doing things.

For example:

An employer decides to apply a 'no hats or other headgear' rule to staff. If this rule is applied in exactly the same way to every member of staff, Sikhs, Jews, Muslims and Rastafarians who may cover their heads as part of their religion will not be able to meet the requirements of the dress code and may face disciplinary action as a result. Unless the employer can **objectively justify** using the rule, this will be indirect discrimination.

- If you are a disabled person, your employer must not treat you **unfavourably** because of something connected to your disability where they cannot show that what they are doing is **objectively justified**. This only applies if they know or could **reasonably** be expected to know that you are a disabled person. This is called **discrimination arising from disability**.

For example:

An employer imposes a 'no beards' rule as part of a dress code and tells staff they will be disciplined if they do not shave. An employee is a disabled person who has a skin condition that makes shaving very painful. They have been treated unfavourably (threatened with disciplinary action) because of something arising from their disability (their inability to shave). Unless the employer can objectively justify the requirement, this may well be discrimination arising from disability if they knew, or could reasonably be expected to know, that the employee had this condition. It may also be a failure to make a reasonable adjustment.

- Your employer must not treat you worse than someone else because you are **associated with** a person who has a protected characteristic.

For example:

A manager gives the father of a disabled child a bad report because they disapprove of the man's requests to attend his child's hospital appointments.

- Your employer must not treat you worse than someone else because they incorrectly think you have a protected characteristic (**perception**).

For example:

An employer incorrectly thinks one of their workers is gay. They tell them they must change their clothes in a dusty stock room rather than in the communal changing area. This is likely to be discrimination because of sexual orientation based on the employer's perception, even though the worker is not gay (if the worker is gay, it would almost certainly be direct discrimination).

- Your employer must not treat you badly or **victimise** you because you have complained about discrimination or helped someone else complain or have done anything to uphold your own or someone else's equality law rights.

For example:

A worker helps a colleague with a sexual harassment claim against another worker. Because of this, their manager marks them down at their annual performance review, commenting that they are 'not very loyal'. This would almost certainly be victimisation.

- Your employer must not **harass** you.

For example:

A transsexual woman is subjected to offensive 'banter' at work, relating to her gender reassignment. This creates a hostile and offensive atmosphere for her, and is likely to be harassment.

You can read more about how your employer can prevent and deal with harassment at page 25.

In addition, if you are a disabled person, to make sure that you have the same access, as far as is reasonable, to everything that is involved in getting and doing a job as a non-disabled person, your employer must make **reasonable adjustments**.

For example:

An employer usually gives workers a written copy of their draft annual appraisal and gives them a morning to read the draft and to send any comments to their line manager. The employer arranges for a worker with severe dyslexia to meet their line manager instead and talk through the draft and provide comments. This is likely to be a reasonable adjustment for the employer to make.

You can read more about reasonable adjustments to remove barriers for disabled people in Chapter 3.

At page 24, we look particularly at the process your employer should follow if you become a disabled person or if the impact of your impairment changes.

## ***Situations where equality law is different***

Sometimes there are situations where equality law applies differently. This guide refers to these as **exceptions**.

There are two exceptions which relate to managing workers and which apply to all employers:

- The possibility that direct age discrimination can be objectively justified.
- Health and safety considerations in relation to pregnancy and maternity.

We only list the exceptions that apply to the situations covered in this guide. There are more exceptions which apply in other situations, for example, when you are applying for a job. These are explained in the relevant guide in the series.

In addition to these exceptions, equality law allows employers to:

- Use voluntary **positive action** in the way workers are managed. While positive action is most often seen as applying in recruitment, promotion and training, it can also be helpful in addressing workers' different needs when they are being managed.
- Treat disabled people better than non-disabled people.

## Age

**Age** is different from other protected characteristics. If an employer can show that it is **objectively justified**, they can make a decision based on someone's age, even if this would otherwise be direct discrimination.

However, it is very unusual to be able to **objectively justify** direct age discrimination of this kind. An employer must be careful not to use stereotypes about a person's age to make a judgement about their fitness or ability to do a job.

For example:

An employer disciplines older workers more harshly than younger workers because they expect higher standards of behaviour from older people. This is almost certainly not objectively justifiable and therefore is direct age discrimination against the older worker.

## Health and safety and pregnancy and maternity

Different treatment is allowed if it is absolutely necessary to do what health and safety laws say, if these laws are designed to protect women who are pregnant or who have recently given birth or to guard against risks specific to women.

For example:

A night-shift worker who is pregnant is certified by her GP as unable to work nights. Her employer must not dismiss her (this would be direct discrimination because of pregnancy). Instead they need to manage her by either finding her daytime work or, if they cannot do this, putting her on leave with full pay.

The general principle that women should, so far as is possible, not be disadvantaged by their pregnancy or maternity continues to apply.

It is not sex discrimination against a man to make special provision for a woman in connection with her pregnancy or maternity.

## Positive action

'Positive action' means the steps that an employer can take to address the different needs or past track record of disadvantage or low participation of people who share a particular protected characteristic.

Although most often thought of in the context of recruitment, promotion or training, positive action is available to employers in all employment situations, including how people are managed.

For example:

A large employer pays for specific counselling services for gay and lesbian members of staff who are found to experience greater incidents of homophobic bullying or harassment in the workplace. This is an example of positive action to meet a different need.

Positive action is not the same as '**positive discrimination**' or '**affirmative action**' which equality law does not allow.

### Does an employer have to take positive action?

Taking positive action is voluntary. An employer does not have to take positive action. However:

- Meeting the different needs of the workforce can help make staff more productive.
- If the employer is a **public authority**, positive action will help them meet the **public sector equality duty**..

### When can an employer use positive action?

Equality law says that an employer has to go through a number of tests to show that positive action is needed.

The tests say that the steps an employer is allowed to take as part of positive action must:

- be related to the level of disadvantage that exists
- not be simply for the purposes of favouring one group of people over another where there is no different need or disadvantage or under-representation in the workforce.

An employer must not have a blanket policy or practice of automatically treating people who share a protected characteristic more favourably than those who do not have it in the way that they manage them. They must look at whether it is needed for a particular group in a particular situation.

## The sort of positive action steps an employer can take when managing people

The sort of steps an employer could consider include:

- Specific facilities or services for people with a particular protected characteristic.

For example:

- Offering additional support from a mentor to a transsexual person who is undergoing gender reassignment.
- Providing childcare facilities or vouchers.
- If the organisation is large enough, setting up networks for staff who share a particular protected characteristic.

An employer will need to consider if such measures are needed and are **proportionate**. They should regularly review what they are doing to make sure positive action is still appropriate.

## Treating disabled people better than non-disabled people

Separately from positive action, equality law allows an employer to treat a disabled person better – or **more favourably** – than a non-disabled person. This recognises that disabled people face a lot of barriers to participating in work and other activities.

## What's next in this guide

The next part of this guide tells you more about how an employer can avoid all the different types of unlawful discrimination in the following situations:

- Your access to facilities at work
- Dress codes
- When you are managed and appraised
- Disciplinary procedures
- If you become a disabled person
- Dealing with harassment

It also suggests how an employer can, through equality good practice:

- Avoid and sort out equality-related conflict

## Your access to facilities at work

Your employer must avoid unlawful discrimination in allowing you access to facilities at work.

Use the information earlier in the guide to make sure you know what equality law says your employer must do to avoid unlawful discrimination.

This does not stop your employer giving you and other workers different levels of access to facilities for a reason unrelated to any protected characteristic, such as seniority within an organisation or the nature of the job you are doing.

However, your employer needs to make sure that their rules about who has access to what facilities are not in themselves unlawfully discriminatory.

For example:

An employer gives a mobile phone to use for work calls to employees who have to travel a lot for work. However, phones are only given to employees who work full-time. This has a worse impact on women who are more likely to work part-time because they are combining childcare responsibilities with their paid employment. Unless the employer can **objectively justify** restricting the access to this particular facility in this way, this is likely to be indirect discrimination because of sex.

## What do we mean by facilities?

Facilities can be space or equipment that is necessary for a person or group of workers to carry out their work, or they can be 'extras' that are provided for workers.

Depending on the size and nature of the organisation, facilities can include:

- access to computers, mobile phones and other technology
- toilet and washing facilities
- kitchen or tea and coffee making facilities
- changing/locker rooms
- showers
- canteens
- parking for cars or bicycles
- prayer and quiet rooms
- facilities for **breastfeeding** mothers
- crèches and childcare
- social clubs
- sport and exercise facilities
- health clinics and occupational health services.

The next section of this guide looks in more detail at what avoiding unlawful discrimination means in relation to:

- Single-sex facilities and transsexual workers
- Single-sex facilities and workers' religion or belief
- Facilities provided because of workers' religion or belief
- Reasonable adjustments for disabled people

## **Single-sex facilities and transsexual workers**

A single-sex facility is one that is used only by either men or women. This often applies to toilets, changing rooms and shower areas.

If you are a transsexual person, you are protected from unlawful discrimination, including in your use of single-sex facilities.

This means you must be able to use the services appropriate to the sex in which you present (as opposed to the physical sex you were born with).

However, sometimes while you are undergoing gender reassignment you may wish to use separate facilities. This should not however be imposed upon you. Your employer must not insist that you must use separate facilities in the long term, for example, an accessible toilet for disabled people, as this would amount to unlawful discrimination against you.

Your employer should discuss with you how you wish them to deal with practical matters at work arising from the process of your gender reassignment.

This includes your employer making sure that their other staff behave in a way that avoids unlawful discrimination. Unless your employer can show they took all reasonable steps to prevent what happened, they may be responsible for what the other worker has done.

If your employer has not already provided training about what equality law means, they should provide it now, although they must make sure they maintain your privacy and confidentiality.

Once your gender reassignment does become known, your employer may also need to deal with objections from other staff regarding your use of single-sex facilities. Your employer must explain to any workers who object the rights that transsexual people have under equality law. The trade union at your workplace, if there is one, may be able to help with this.

You can read more about when your employer is responsible for what other people do in Chapter 2.

Your employer should consult you about when you want to begin to use different facilities from those you have been using. In the short term, while you are undergoing gender reassignment, you may wish to use facilities that are entirely separate from any single-sex facilities, but this must not be imposed on you.

However, this is not a long-term solution, and your employer should agree with you the point at which you will switch to using the single-sex facilities that are appropriate. This may, for example, be at the time when you start to present permanently at work in the sex with which you identify.

The only time when it may be appropriate for you to continue to use separate facilities is if you opt to do this. This might be because, for example, the changing facilities where you change into a uniform or protective clothing are communal and you want to continue to avoid changing in the presence of other people.

You can find more information in Chapter 5: *Further sources of information and advice* about organisations who can help explain their responsibilities to your employer if you are undergoing gender reassignment, for example, about when and how your employer should change their personnel records.

## Single-sex facilities and religion or belief

If you and other workers are provided with changing facilities or showers, your employer must provide these in a way that avoids unlawful discrimination because of religion or belief.

For example:

An employer only provides communal changing facilities for staff to change into their uniforms. This places staff of a particular religion which requires its followers not to change their clothing in the presence of others, even of the same sex, at a disadvantage compared to people who do not follow this religion. They have to change their clothes in toilet cubicles, which is unhygienic. Unless the employer can **objectively justify** the provision of the communal changing facilities, this may be indirect discrimination.

## Facilities provided because of workers' religion or belief

It is not a legal requirement for an employer to provide facilities because of workers' religion or belief.

However, many employers recognise that it is good practice to provide facilities which cater for the different needs of staff with a particular religion or belief.

These might include making a room which is available to staff for prayer, providing separate fridge shelves for food that needs to be kept separate and, if an organisation provides refreshments or meals for staff, meeting dietary requirements.

For example:

An orthodox Jewish worker in a small firm has a religious requirement that her food cannot come into direct contact with pork or indirect contact through items such as cloths or sponges. As a matter of good practice, after discussion with staff, the employer allocates one shelf of a fridge for this worker's food, and separate cupboard space for the plates and cutlery that she uses. They also introduce a policy that any food brought into the workplace should be stored in sealed containers.

If your employer does provide this type of facility, the protection from unlawful discrimination because of religion or belief covers both those who have a religion or belief and those who do not.

For example:

An employer decides to provide a prayer room for use by staff who hold religious beliefs. This risks unlawful discrimination against staff who do not hold a religious belief, who do not have access to this additional facility. A better approach may be to provide a quiet room for use by any staff for personal reflection and by people of any religion or belief or of none.

If your workplace has a canteen or restaurant, it would be good practice for your employer to make sure that special dietary needs because of religion or belief, such as halal and kosher, can be met, but it is unlikely to be a legal requirement.

## Reasonable adjustments and disabled people

When your employer provides facilities for your workers, they must make **reasonable adjustments** if you need them as a disabled person. Your employer's aim should be to make sure that you can, as far as is reasonable, access the facilities on the same basis and to the same extent as a non-disabled person.

You can read more about reasonable adjustments to remove barriers for disabled people in Chapter 3.

## Your questions answered

**Q. I have returned from maternity leave and am still breastfeeding my baby. What facilities does my employer have to provide for me?**

A. Your employer has a legal duty to provide suitable rest facilities for breastfeeding mothers to use. Although there is no legal right for workers to take time off to breastfeed, employers should try to accommodate mothers who wish to do this, bearing in mind that:

- they have a legal duty of care to remove any hazards for a worker who is breastfeeding, and this can include stress and fatigue, and
- a refusal to allow a woman to express milk or to adjust her working conditions to enable her to continue to breastfeed may amount to unlawful sex discrimination.

Further information and guidance is available from the Health and Safety Executive's guide for employers on *New and Expectant Mothers at Work*.

## Dress codes

Your employer must avoid unlawful discrimination in requiring you and other workers to dress or modify your personal appearance in a particular way.

Use the information earlier in the guide to make sure you know what equality law says your employer must do to avoid unlawful discrimination.

This does not stop an employer having a dress code, but they must be careful that any dress code and the way it is applied does not either:

- directly discriminate against you, or
- indirectly discriminate against you and other people who share the same protected characteristic, unless its requirements can be **objectively justified**.

Restrictions on dress, including hairstyles, could be justifiable for health and safety reasons or for other reasons that relate to your employer's ethos.

For example:

- An employer requires long, loose hair to be tied back to avoid danger from machinery in an industrial plant.
- Staff working in a kitchen must tie their hair back and cover it for hygiene reasons.
- An employer providing healthcare services stops staff wearing long sleeves or jewellery to reduce the transmission of infection from one patient to another.
- Staff working in a clothing company's stores are required to wear clothes made by the company itself to show customers what the clothing looks like when worn.

There are a number of other legitimate reasons for your employer to have a dress code – for example, a requirement not to wear jeans if you are in a customer-facing role or to wear a uniform that identifies staff to members of the public.

The main question for your employer to ask is whether what a member of staff wears affects their ability to do their job effectively.

If the answer to this question is 'yes', and your employer wants to have a dress code as a result, then they must apply their dress code in a way that avoids unlawful discrimination.

## **Sex discrimination and dress codes**

Having different rules about clothing or appearance for men and women can result in claims of sex discrimination. For example, if there is a dress code that applies to women but not to men or if the dress code is applied more strictly to one sex than the other, this could be direct discrimination. However, it has been established in the courts that employers do not have to impose exactly the same dress code on men and women. If the dress code applies 'conventional standards of dress and appearance' then it will be seen as applying an even handed approach between men and women

The standard of dress or appearance set should be the same for both women and men, such as 'business dress' or 'casual clothes'.

## Religion or belief discrimination and dress codes

Imposing the same rule on everyone may indirectly discriminate against workers with a particular religion or belief.

For example:

An employer introduces a 'no beards' policy, saying this is for health and safety reasons in a plant producing food products. The policy has a disproportionate impact on workers whose religious beliefs require them not to be clean shaven. Unless the employer can **objectively justify** the policy, this will be indirect discrimination because of religion or belief. A better approach might be for the employer to provide workers with 'beard nets' to avoid the risk of hair falling into the food.

Some religions require their followers to dress in a modest way. A dress code which requires a shirt to be tucked inside trousers or a skirt may conflict with that requirement as it accentuates body shape. However, if the individual is allowed to wear the shirt over the outside of the trousers or a (long) skirt it may be quite acceptable. The question to ask is whether any requirement to stick to a dress code which does not allow a worker to do this can be **objectively justified**.

Some religions require their followers to wear particular items of jewellery or clothing. A ban on all jewellery or on the particular item of clothing may affect someone who follows one of these religions. If the wearing of the jewellery or item of clothing is not a matter of an individual follower's personal preference, but something which places the individual and others who share the same religious belief at a particular disadvantage compared to others, then a ban on all jewellery or on that item of clothing may amount to indirect discrimination unless the employer can **objectively justify** it.

For example:

A bank bans its workers from wearing any type of jewellery while at work. This is not for health and safety reasons but because the employer does not like body piercings. A Sikh worker who wears a Kara bracelet as an integral part of her religion complains about the rule. To avoid a claim of indirect discrimination, the employer considers allowing an exception to this rule, as in these circumstances, the employer may find it difficult to **objectively justify** the blanket ban.

## Disability discrimination and dress codes

If you are a disabled person and your employer puts in place a dress code for their workers (or you start working somewhere that already has a dress code), they must make **reasonable adjustments** for you. For example:

An employer has a policy of requiring all customer-facing male staff to wear a tie. This disadvantages a man with a skin condition that is made worse by contact with tight clothing. As a reasonable adjustment the employer allows the man to work on the reception desk in an open-necked shirt, but still requires him to be of smart appearance.

You can read more about reasonable adjustments to remove barriers for disabled people in Chapter 3.

Your employer also need to make sure that they avoid:

- **direct discrimination** because of disability
- **indirect discrimination** because of disability
- **discrimination arising from disability.**

## *When you are managed and appraised*

Every organisation manages the performance of its workers to make sure they are getting their job done in the way that the employer wants them to.

Your employer may be managing your performance formally through an appraisal scheme, with regular 'line management' meetings and annual reports.

Or they may do it informally, just by talking over your performance as you carry out your job.

Many organisations will have a mixture of both formal and informal management and appraisal.

Your employer must avoid unlawful discrimination in the way that they manage and appraise your performance.

Use the information earlier in the guide to make sure you know what equality law says your employer must do to avoid unlawful discrimination.

## Disciplinary procedures

Your employer must avoid unlawful discrimination in the way that they discipline their workers, in other words, telling them they need to improve something about their work.

Use the information earlier in the guide to make sure you know what equality law says your employer must do to avoid unlawful discrimination.

### Is your employer's disciplinary process fair?

This guide only tells you about equality law. There are other procedures which your employer needs to follow to make sure a disciplinary process is fair in other ways, particularly in the procedures that are followed. You can find out more about these from Acas, whose contact details are in Chapter 5: *Further sources of information and advice*.

## Protected characteristics and disciplinary procedures

Your employer must not discipline you, formally or informally, simply because you have a protected characteristic. This would almost certainly be direct discrimination.

For example:

An employee aged 21 and an employee aged 42 are both sending and receiving personal emails at work and in working hours. Their employer gives the 21-year-old a written warning because they think that 'a younger person needs a firmer telling off', while the 42-year-old is informally told to be more careful. This is likely to be direct age discrimination against the younger worker unless the employer can **objectively justify** it, which is unlikely.

Of course, this does not mean people with protected characteristics are immune from the usual performance and conduct standards that apply in your workplace.

For example:

A male employee and a female employee are both sending and receiving personal emails at work and in working hours. Their employer gives them both an oral warning. The man says (believing it to be true) 'you would not take the situation as seriously as this if I was a woman'. By applying the same standards to both employees and having a valid reason for the disciplinary action, the employer has acted without discrimination and can show the man that his allegation is not true.

However, your employer must be careful to make sure that what happened during a previous disciplinary situation does not lead to a complaint of victimisation.

For example:

The male employee who complained in the previous example must not be treated badly because of his complaint. This means that if there is a need to discipline him again, the same action must be taken against him as would be taken against someone who had not complained.

## **Reasonable adjustments for disabled people**

If you are a disabled person, your employer must make reasonable adjustments so that you can participate in the disciplinary procedure, as far as is reasonable, to the same standard as a non-disabled person. This is especially important when it comes to completing and/or reading documents and attending meetings. For example, you might need:

- Documents provided in a different format – perhaps on audio CD, or in large print or in Braille, if you have a visual impairment.
- Meetings to be held in an accessible room, if you have a mobility impairment.
- A British Sign Language (BSL) interpreter if you are a Deaf person who uses BSL.
- Someone to help you complete a form if they have severe dyslexia.
- A personal assistant to accompany you, in addition to your ‘official companion’ (your trade union representative or colleague who may address the meeting for you if you decide to have one). You may need a personal assistant for this situation even if you do not normally use one at work.
- Changes to the process, such as more breaks to ask for an explanation from their official companion, if you have a learning disability.

Your employer must also think about whether they should make reasonable adjustments to the standards they apply to workers where these standards place disabled workers at a substantial disadvantage compared to people who are not disabled.

If necessary, your employer must make reasonable adjustments to what they do as well as the way that they do it.

For example:

A disabled person has a condition that causes them severe pain. One day, the person shouts at their employer. This is completely out of character, and is because of the pain they are experiencing. Usually, this would lead to an employee being considered for disciplinary action. However, their employer knows about the person's disability and, as a reasonable adjustment, operates a higher threshold before considering their behaviour to be unacceptable. (They have also encouraged the disabled person to be open with colleagues about their condition so that other staff understand the reason for the difference in treatment.) This does not mean that the disabled person can behave as they like; the employer only has to make reasonable adjustments, so if their behaviour is unacceptably bad, the employer still has the option of disciplinary action. If this was the case, although the disciplinary action might amount to treating the disabled person unfavourably for something arising from their disability (their short temper), the employer would probably be able to **objectively justify** their approach.

You can read more about reasonable adjustments to remove barriers for disabled people in Chapter 3.

### ***If you become a disabled person***

If you become a disabled person, this may mean making changes to the way you do your job.

Use the information earlier in the guide to make sure you know what equality law says your employer must do to avoid unlawful discrimination.

In this situation, your employer must think about whether there are reasonable adjustments they need to make so that, as far as is reasonable, you have the same access to everything that is involved in doing your job as a non-disabled person.

Your employer is under a positive and proactive duty to take steps to remove or reduce or prevent the obstacles you face.

Sometimes this will involve making adjustments to the way that your employer does things or to their premises. It could mean providing you with extra or adapted equipment.

Your employer should also review any existing adjustments if the effects of your condition change or if you change jobs.

Many factors will be involved in deciding what adjustments to make and these will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments.

Your employer only has to make adjustments where they are aware – or should reasonably be aware – that you have a disability.

It is advisable for your employer to discuss the adjustments with you, otherwise the changes may not be effective. They may also need to get expert advice. This process is sometimes called an 'Employment Retention Assessment'.

There is a lot more information about reasonable adjustments to remove barriers for disabled people in Chapter 3.

## *Dealing with harassment*

### **What is harassment?**

Harassment at work is sometimes linked to bullying. Bullying behaviour may or may not amount to harassment in equality law.

For behaviour to count as harassment in equality law, it has to be one of three types:

Type 1: Unwanted behaviour related to the protected characteristics listed below

Type 2: Sexual harassment

Type 3: Less favourable treatment because of submission to or rejection of previous sex or gender reassignment harassment.

#### ***Type 1***

The first type of harassment is unwanted behaviour related to age, disability, race, sex, gender reassignment, religion or belief or sexual orientation, which has the purpose or effect of:

- violating a person's dignity, or
- creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

'Unwanted behaviour' can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

‘Related to’ a protected characteristic covers situations:

- where the person who is on the receiving end of the unwanted behaviour has a protected characteristic, or
- where there is any connection with a protected characteristic.

For example:

A person might be incorrectly perceived to have a characteristic or they may be associated with a person who has a characteristic, such as a family member.

But it may also be harassment where the person on the receiving end of the unwanted behaviour does not have the protected characteristic, are not perceived to have it and are not associated with someone who has it, but they find that the treatment violates their dignity or creates for them an intimidating, hostile, degrading, humiliating or offensive environment.

For example:

A white worker in an office where most of the other workers are also white finds the habitual racist comments of another member of staff also creates a hostile and intimidating environment for them. This may amount to harassment.

The unwanted behaviour does not have to be specifically aimed at the person who finds it violates their dignity or creates for them an intimidating, hostile, degrading, humiliating or offensive environment.

For example:

Male members of staff looking at pornography on work computers may create an intimidating or offensive environment for their female colleagues. Even though they do not specifically draw the women’s attention to the pornography or speak about it with them, this could amount to harassment.

Protection is also provided where someone is subjected to harassment related to a protected characteristic even where it is known that they do not have that characteristic.

For example:

An employee is subjected to homophobic ‘banter’ and name calling, even though his colleagues know he is not gay and he is aware that they know he is not gay. Nevertheless this may amount to harassment related to sexual orientation.

## **Type 2**

The second type of harassment is sexual harassment.

Sexual harassment takes place when a person does something of a sexual nature (which might be verbal, non-verbal or physical) which has the purpose or effect of:

- violating a person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

'Of a sexual nature' can include unwelcome sexual advances, touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings or sending emails with material of a sexual nature.

## **Type 3**

The third type of harassment is where a worker is treated worse than someone else - or **less favourably** - because he or she either submits to or rejects sexual harassment or harassment related to sex or gender reassignment.

For example:

A shopkeeper propositions one of his shop assistants, she rejects his advances and is then turned down for promotion which she believes she would have got if she had accepted her boss's advances. This almost certainly amounts to harassment.

Other things to remember about all the types of harassment:

- The word 'unwanted' means 'unwelcome' or 'uninvited'. Sometimes a single incident will be self-evidently unwanted, such as 'groping' or racial abuse. For a series of less serious incidents, it may be necessary for someone to object to the behaviour for it to be clear that it is unwanted. If it persists after they have asked for the behaviour to stop then it may amount to harassment.
- If the person carrying out the unwanted behaviour actually intends to violate the other person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for them, this will of itself amount to harassment and you will not have to consider the effect on the individual.

- If the person carrying out the unwanted behaviour does not intend to violate someone's dignity or create a hostile environment and so on, the behaviour will amount to harassment if it has the *effect* of creating such an environment and it is **reasonable** to consider that the behaviour would have that effect.

For example:

An employee with a learning disability is teased by colleagues who tell him to go to the stores and ask for non-existent items such as a 'long weight' as they think he will fall for the trick. The worker finds it humiliating so is likely to be able to bring a claim for harassment even though his colleagues may not have intended to create a hostile environment for him or undermine his dignity.

## **Harassment of workers by people other than their fellow workers**

An employer can be held responsible for harassment of a worker by someone who doesn't work for them, such as a customer. This is sometimes called 'third-party harassment'.

The employer will become legally responsible if they know that their worker has been harassed by someone who does not work for them at least twice before but they have failed to take appropriate action to protect the worker from further harassment.

It does not have to be the same person harassing the worker on each occasion.

For example:

An employer is aware that a female bar worker has been sexually harassed on two separate occasions by two different customers. Once the employer has been told or has found out about the first two occasions, they will be liable for a third act of harassment towards the same bar worker, if they have failed to take reasonably practicable steps to prevent further harassment. This will be the case even if the third act of harassment is committed by an unconnected customer.

### What can your employer do about third-party harassment?

Your employer could wait until you have complained of third party harassment twice before taking action to prevent it. But it would be good practice for not to wait for this. It also makes them less at risk of a complaint that they have not done enough to protect you.

Steps your employer could take include:

- Putting notices up at the premises about acceptable and unacceptable behaviour, and
- Speaking to the person who has harassed you to tell them their behaviour was not acceptable. In some cases, it may be appropriate for your employer to stop the person visiting their premises to make sure you are protected.

### Harassment by fellow workers

An employer can also be held legally responsible for harassment by people who work for them.

If the person who harasses someone else is an **employee**, equality law says that the employer will not be held legally responsible if they can show that they took **all reasonable steps** to prevent the employee harassing someone.

If the person who harasses someone else is an employer's **agent** (someone else who is doing something for the employer but with whom they don't have a contract of employment), the employer will not be held legally responsible if they can show that their agent exceeded the scope of their authority.

There is more information about when an employer is legally responsible for what other people do in Chapter 2.

### What can your employer do to prevent harassment?

Equality law does not specify exactly what 'reasonable steps' are, but these steps are likely to help. They are good practice, and not a legal requirement.

Your employer could:

- Put in place a harassment policy (sometimes this will be included in a wider **equality policy**).
- Involve their staff in the policy-making process, including agreeing the policy with a trade union and/or other worker representatives if appropriate.

- Make sure all workers are aware of the policy's existence and of their responsibilities to make it work, for example, by providing them with training.
- Make sure that any visitors, clients, suppliers or customers who come into contact with workers or job applicants are also aware of the policy and behave in line with it, for example, using signs in a reception area.
- Use their policy to explain the steps being taken to prevent harassment.
- What a harassment policy should do:
  - Describe the protected characteristics and clearly state that any harassment of workers or job applicants related to any of these characteristics will not be tolerated.
  - Make it clear that harassment will be treated as a disciplinary offence.
  - Clearly explain how a worker or job applicant can make a complaint, informally and formally.
  - Make it clear that complaints of harassment will be dealt with within a reasonable time, treated seriously and confidentially, and that someone complaining will be protected from victimisation.
  - Describe what support is available to a worker or applicant if they think they are being harassed, for example, counselling or a worker assistance programme.
  - Describe any training/other resources available for workers to help them spot and stop harassment.
  - Describe how the policy will be implemented, reviewed and monitored.
  - Build in a review process; this is particularly important if someone has complained of harassment, as an employer will need to make sure that their policy was effective in dealing with the incident.

## How can your employer deal with complaints of harassment?

These suggestions are good practice, not a legal requirement.

But your employer should have a process for dealing with the situation if one of the workers says they have been harassed.

Things for your employer to consider are how they can:

- Handle a complaint of harassment with sensitivity and with respect for everyone's rights.
- Make sure they do not dismiss what is said to have happened as the person complaining being 'oversensitive' without investigating exactly what has gone on and assessing whether it comes within the equality law definition of harassment.
- Try not to require someone complaining of harassment to repeatedly recount the events complained of where this is unnecessary, as this may be difficult and upsetting for them.
- If the person who says they have been harassed wants to make an anonymous complaint (so that the person they are complaining about will not know who has complained) then the employer could:
  - Try to maintain their confidentiality while the employer finds out what has happened and during any formal disciplinary proceedings it is decided are necessary.
  - Remember though that the person who is said to have harassed the other person is entitled to know the details of what they are said to have done so they can defend themselves.
  - Try to make sure that workers not involved do not find out about what has happened.

There is more general information in Chapter 4 about what to do if you believe you've been discriminated against. This includes having been harassed.

## ***How employers can sort out equality-related conflict through good practice***

Conflicts at work between people who have different characteristics or different aspects of the same characteristic are not especially common. Most people will get on with each other at work, because they recognise that this is the best way of getting the job done. So even people who disagree strongly – for example, they have very different religious or philosophical beliefs, or disapprove of someone else’s lifestyle, whatever that lifestyle is – will put their differences aside and work together.

Very occasionally, people’s differences because of their protected characteristics will cause conflict.

But unlawful discrimination cannot be excused just because the person who discriminates is sincerely motivated by, for example, their religion or belief. You and your fellow workers have a responsibility to do what equality law says you must do.

The advice this section of the guide contains is not a legal requirement for employers but it may help them avoid complaints of unlawful discrimination from their workers because of what another worker has said or done.

### **General information about dealing with conflicts at work**

You can find out more about dealing with conflicts at work from Acas, whose contact details are in Chapter 5: *Further sources of information and advice*.

The main way an employer can help avoid an equality-related conflict is by making sure all their workers understand what equality law means for them and how they must behave towards other people while they are at work.

Possible ways for employers to make sure their staff members know what equality law means for them are by:

- telling staff when they start working for them – and checking from time to time that staff remember what they have been told, for example, by seeing if/how it has made a difference to how they behave. This could be a very simple checklist the employer talks through, perhaps using some of the Equality and Human Rights Commission's guides to equality law, or arranging for workers to have **equality training**
- writing down the standards of behaviour they expect using an **equality policy**
- including a requirement about behaving in line with equality law in every worker's **terms of employment** or other contract, and making it clear that breaches of equality law will be treated as disciplinary matters or breaches of contract.

If you are especially interested, you can read more about equality training and equality policies in the Equality and Human Rights Commission guide for employers: *Good equality practice for employers: equality policies, equality training and monitoring*.

Responding appropriately to complaints about unlawful discrimination will also help an employer. You can read more on what to do if you believe you've been discriminated against in Chapter 4.

## 2. When your employer is responsible for what other people do

It is not just how your employer personally behaves that matters.

If another person who is:

- employed by your employer, or
- carrying out your employer's instructions to do something (who the law calls your employer's agent)

does something that is **unlawful discrimination, harassment or victimisation**, your employer can be held legally responsible for what they have done.

This part of the guide explains:

- When your employer can be held legally responsible for someone else's unlawful discrimination, harassment or victimisation
- How your employer can reduce the risk that they will be held legally responsible
- When your employer's employees or agents may be personally liable
- What happens if a person instructs someone else to do something that is against equality law
- What happens if a person helps someone else to do something that is against equality law
- What happens if an employer tries to stop equality law applying to a situation

### When your employer can be held legally responsible for someone else's unlawful discrimination, harassment or victimisation

Your employer is legally responsible for acts of discrimination, harassment and victimisation carried out by their employees in the course of their employment.

Your employer is also legally responsible as the 'principal' for the acts of their agents done with their authority. Their agent is anyone your employer has instructed to do something on their behalf, even if your employer does not have a formal contract with them.

As long as:

- the employee was acting in the course of their employment – in other words, while they were doing their job, or
- the agent was acting within the general scope of their principal's authority – in other words, while they were carrying out your employer's instructions

it does not matter whether or not your employer:

- knew about, or
- approved of

what their employee or agent did.

For example:

- A shopkeeper goes abroad for three months and leaves an employee in charge of the shop. This employee harasses a colleague with a learning disability, by constantly criticising how they do their work. The colleague leaves the job as a result of this unwanted conduct. This could amount to harassment related to disability and the shopkeeper could be responsible for the actions of their employee.
- An employer engages a head-hunter to work in-house to recruit a team of senior management. The head-hunter weeds out applications from women of child bearing age. This is almost certainly unlawful sex discrimination. Both the employer and the head-hunter (who is the employer's agent) would be legally responsible for the discrimination, except that the employer can show that they told the head-hunter to comply with equality law. This means that the authority given to the head-hunter as agent did not extend to acting in a discriminatory way, the agent acted outside the scope of the employer's authority and only the agent is liable for the discrimination.

However, your employer will not be held legally responsible if they can show that:

- they took **all reasonable steps** to stop an employee acting unlawfully
- an agent acted outside the scope of their authority (in other words, that they did something so different from what your employer asked them to do that they could no longer be thought of as acting on your employer's behalf).

## How your employer can reduce the risk that they will be held legally responsible

Your employer can reduce the risk that they will be held legally responsible for the behaviour of their employees or agents if they tell them how to behave so that they avoid unlawful discrimination, harassment or victimisation.

This does not just apply to situations where your employer and their other staff are dealing face-to-face with you, but also to how your employer and the people who work for them plan what happens in your workplace.

When your employer or their employees or agents are planning what happens to you in a work situation, your employer needs to make sure that their decisions, rules or ways of doing things are not:

- **direct discrimination**, or
- **indirect discrimination** that they cannot **objectively justify**, or
- **discrimination arising from disability** that they cannot **objectively justify**, or
- **harassment**,

and that they have made **reasonable adjustments** for you if you are a disabled person.

So it is important for your employer to make sure that their employees and agents know how equality law applies to what they are doing.

## When your employer's employees or agents may be personally liable

An employee or agent may be personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment or while acting with their employer's authority. This applies where either:

- your employer is also liable as their employer or principal, or
- your employer would be responsible but they show that:
  - they took **all reasonable steps** to prevent their employee discriminating against, harassing or victimising you, or
  - that their agent acted outside the scope of their authority.

For example:

A factory worker racially harasses their colleague. The employer would be liable for the worker's actions, but is able to show that they took all reasonable steps to stop the harassment. The colleague can still claim compensation against the factory worker in an employment tribunal.

But there is an exception to this. An employee or agent will *not* be responsible if their employer or principal has told them that there is nothing wrong with what they are doing and the employee or agent **reasonably** believes this to be true.

It is a criminal offence, punishable by a fine, for an employer or principal to make a false statement which an employee or agent relies upon to carry out an unlawful act.

## What happens if a person instructs someone else to do something that is against equality law

An employer or principal must not instruct, cause or induce their employee or agent to discriminate against, harass or victimise another person, or to attempt to do so.

'Causing' or 'inducing' someone to do something can include situations where someone is made to do something or persuaded to do it, even if they were not directly instructed to do it.

Both:

- the person who receives the instruction or is caused or induced to discriminate against, harass or victimise, and
- the person who is on the receiving end of the discrimination, harassment or victimisation

have a claim against the person giving the instructions if they suffer loss or harm as a result of the instructing or causing or inducing of the discrimination, harassment or victimisation.

This applies whether or not the instruction is actually carried out.

## What happens if a person helps someone else to do something that is against equality law

A person must not help someone else carry out an act which the person helping knows is unlawful under equality law.

However, if the person helping has been told by the person they help that the act is lawful and he or she **reasonably** believes this to be true, he or she will not be legally responsible.

It is a criminal offence, punishable by a fine, to make a false statement which another person relies on to help to carry out an unlawful act.

# What happens if an employer tries to stop equality law applying to a situation

An employer cannot stop equality law applying to a situation if it does in fact apply. For example, there is no point in an employer making a statement in a contract of employment that equality law does not apply. The statement will not have any legal effect. That is, it will not be possible for the employer to enforce or rely on a term in a contract that tries to do this. This is the case even if the other person has stated they have understood the term and/or they have agreed to it.

For example:

- A worker's contract includes a term saying that they cannot bring a claim in an Employment Tribunal. Their employer sexually harasses them. The term in their contract does not stop them bringing a claim for sexual harassment in the Employment Tribunal.
- A business partner's partnership agreement contains a term that says 'equality law does not apply to this agreement'. The partner develops a visual impairment and needs reasonable adjustments to remove barriers to their continuing to do their job. The other partners instead ask them to resign from the partnership. The partner can still bring a claim in the Employment Tribunal for a failure to make reasonable adjustments and unlawful disability discrimination.
- An applicant for a job is told 'equality law does not apply to this business, it is too small'. She still agrees to go to work there. When she becomes pregnant, she is dismissed. She can still bring a claim in the Employment Tribunal for pregnancy discrimination.

# 3. The employer's duty to make reasonable adjustments to remove barriers for disabled people

Equality law recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled **worker** or **job applicant**.

This is the **duty to make reasonable adjustments**.

The duty to make reasonable adjustments aims to make sure that as a **disabled person**, you have, as far as is reasonable, the same access to everything that is involved in getting and doing a job as a non-disabled person.

When the duty arises, your **employer** is under a positive and proactive duty to take steps to remove or reduce or prevent the obstacles you face as a disabled worker or job applicant.

Many of the adjustments your employer can make will not be particularly expensive, and they are not required to do more than it is reasonable for them to do. What is reasonable depends, among other factors, on the size and nature of your employer's organisation.

If, however,

- you are a disabled person, and
- you can show that there were barriers your employer should have identified and reasonable adjustments your employer could have made, and
- your employer does nothing,

you can bring a claim against your employer in the Employment Tribunal, and your employer may be ordered to pay you compensation as well as make the reasonable adjustments. A failure to make reasonable adjustments counts as unlawful discrimination. You can read more about what to do if you believe you've been discriminated against in Chapter 4.

In particular, if you are a disabled person, the need to make adjustments for you as a worker or job applicant:

- must not be a reason not to appoint you to a job or promote you if you are the best person for the job with the adjustments in place
- must not be a reason to dismiss you
- must be considered in relation to every aspect of your job

provided the adjustments are reasonable for your employer to make.

Many factors will be involved in deciding what adjustments to make and they will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments.

Your employer only has to make adjustments where they are aware – or should **reasonably** be aware – that you are a disabled person.

It is advisable for your employer to discuss the adjustments with you, otherwise any changes they make may not be effective.

The rest of this section looks at the detail of the duty and gives examples of the sorts of adjustments your employer could make. It looks at:

- Which disabled people does the duty apply to?
- How can your employer find out if you are a disabled person?
- The three requirements of the duty
- Are you at a substantial disadvantage as a disabled person in that work situation?
- Changes to policies and the way an organisation usually does things
- Dealing with physical barriers
- Providing extra equipment or aids
- Making sure an adjustment is effective
- Who pays for reasonable adjustments?
- What is meant by 'reasonable'

- Reasonable adjustments in practice
- Specific situations
  - Employment services
  - Occupational pensions
- Questions about health or disability

## Which disabled people does the duty apply to?

The duty applies to you if you:

- are working for an employer, or
- apply for a job with an employer, or
- tell an employer you are thinking of applying for a job with them.

It applies to all stages and aspects of employment. So, for example, where the duty arises your employer must make reasonable adjustments to disciplinary or dismissal procedures and decisions. It does not matter if you were a disabled person when you began working for them, or if you have become a disabled person while working for them.

The duty may also apply after you have stopped working for an employer.

The duty also applies in relation to **employment services**, with some differences which are explained later in this part of the guide.

Reasonable adjustments may also be required in relation to occupational pension schemes. This is explained later in this part of the guide.

# How can your employer find out if you are a disabled person?

Your employer only has to make these changes where they know or could **reasonably** be expected to know that you are a disabled person. This means your employer must do everything they can reasonably be expected to do to find out.

For example:

An employee's performance has recently got worse and they have started being late for work. Previously they had a very good record of punctuality and performance. Rather than just telling them they must improve, their employer talks to them in private. This allows the employer to check whether the change in performance could be for a disability-related reason. The employee says that they are experiencing a recurrence of depression and are not sleeping well which is making them late. Together, they agree to change the employee's hours slightly while they are in this situation and that the employee can ask for help whenever they are finding it difficult to start or complete a task. These are reasonable adjustments.

This does not, however, mean that an employer should be asking intrusive questions or ones that violate your dignity. Employers must still think about privacy and confidentiality in what they ask and how they ask it.

Be aware that there are restrictions on when an employer can ask health- or disability-related questions during recruitment before shortlisting someone or making a job offer. This is to make sure that job applicants are not discriminated against because of issues related to health or disability. The exceptions to the restriction are set out at the end of this part of this guide.

An employer can ask you questions to find out if you need reasonable adjustments for the recruitment process. But they must use your answers only for working out the adjustments you need and whether these are reasonable.

If the adjustments are reasonable, and the employer used the fact that you needed the adjustments as a reason not to take you further into the recruitment process, this would be unlawful discrimination.

If you are applying for a job and you do not ask for adjustments in advance but turn out to need them, the employer must still make them, although what is reasonable in these circumstances may be different from what would be reasonable with more notice. The employer must not hold the fact that they have to make last minute adjustments against you.

For example:

A job applicant does not tell an employer in advance that they use a wheelchair and the employer does not know about this. On arriving for the interview the applicant discovers that the room is not accessible. Although the employer could not have been expected to make the necessary changes in advance, it would be a reasonable adjustment to hold the interview in an alternative, accessible room if one was available without too much disruption or cost. Alternatively, it might be a reasonable adjustment to reschedule the interview if this was practicable.

There is more information about what this means in the Equality and Human Rights Commission guide: *Your rights to equality at work: when you apply for a job*.

## The three requirements of the duty

The duty contains three requirements that apply in situations where a disabled person would otherwise be placed at a **substantial disadvantage** compared with people who are not disabled.

- The first requirement involves changing the way things are done (equality law calls this a **provision, criterion or practice**).

For example:

An employer has a policy that designated car parking spaces are only offered to senior managers. A worker who is not a manager, but has a mobility impairment and needs to park very close to the office, is given a designated car parking space. This is likely to be a reasonable adjustment to the employer's car parking policy.

- The second requirement involves making changes to overcome barriers created by the **physical features** of a workplace.

For example:

Clear glass doors at the end of a corridor in a particular workplace present a hazard for a visually impaired worker. Adding stick-on signs or other indicators to the doors so that they become more visible is likely to be a reasonable adjustment for the employer to make.

- The third requirement involves providing extra equipment (which equality law calls an **auxiliary aid**) or getting someone to do something to assist you (which equality law calls an **auxiliary service**).

For example:

An employer provides specialist software for a member of staff who develops a visual impairment and whose job involves using a computer.

Each of these requirements is looked at in more detail later in this part of the guide.

## Are you at a substantial disadvantage as a disabled person?

The question an employer needs to ask themselves is whether:

- the way they do things
- any physical feature of their workplace
- the absence of an auxiliary aid or service

puts you, as a disabled worker or job applicant, at a substantial disadvantage compared with a person who is not disabled.

Anything that is more than minor or trivial is a substantial disadvantage.

If a substantial disadvantage does exist, then the employer must make reasonable adjustments.

The aim of the adjustments the employer makes is to remove or reduce the substantial disadvantage.

But the employer only has to make adjustments that are reasonable for them to make. There is more information about how to work out what is reasonable a bit later in this part of the guide.

## Changes to policies and the way an organisation usually does things

The first requirement involves changing the way things are done (equality law calls this a **provision, criterion or practice**).

This means the employer must look at whether they need to change some written or unwritten policies, and/or some of the ways they usually do things, to remove or reduce barriers that would place you at a substantial disadvantage, for example, by stopping you working for that employer or applying for a job with that employer or stopping you being fully involved at work.

This includes your employer's processes for deciding who is offered a job, criteria for promotion or training, benefits, working conditions and contractual arrangements.

For example:

- Supervisors in an organisation are usually employed on a full-time basis. The employer agrees to a disabled person whose impairment causes severe fatigue working on a part-time or job share basis. By doing this, the employer is making a reasonable adjustment.
- The design of a particular workplace makes it difficult for a disabled person with a hearing impairment to hear, because the main office is open plan and has hard flooring, so there is a lot of background noise. Their employer agrees that staff meetings should be held in a quieter place that allows that person to fully participate in the meeting. By doing this, the employer is making a reasonable adjustment.

## Dealing with physical barriers

The second requirement involves making changes to overcome barriers created by the **physical features** of an employer's workplace.

This means your employer may need to make some changes to their building or premises.

Exactly what kind of change the employer makes will depend on the kind of barriers the premises present to you. The employer will need to consider the whole of their premises. They may have to make more than one change.

Physical features include: steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits (including emergency escape routes), internal and external doors, gates, toilet and washing facilities, public facilities (such as telephones, counters or service desks), lighting and ventilation, lifts and escalators, floor coverings, signs, furniture, and temporary or movable items (such as equipment and display racks). Physical features also include the sheer scale of premises (for example, the size of a building). This is not an exhaustive list.

- Physical features could be something to do with the structure of the actual building itself like steps, changes of level, emergency exits or narrow doorways.
- Or it could be something about the way the building or premises have been fitted out, things like heavy doors, inaccessible toilets or inappropriate lighting.
- It could even be the way things are arranged inside the premises such as fixtures and fittings like shelf heights in storage areas or fixed seating in canteens.

For example:

An employer has recruited a worker who is a wheelchair user and who would have difficulty negotiating her way around the office. In consultation with the new worker, the employer rearranges the layout of furniture in the office. The employer has made reasonable adjustments.

## Providing extra equipment or aids

The third requirement of the duty involves providing extra equipment – which equality law calls **auxiliary aids** – and **auxiliary services**, where someone else is used to assist you, such as a reader, a sign language interpreter or a support worker.

This means an employer may need to provide some extra equipment, auxiliary aids or services for you if you work for them or apply for a job with them.

An auxiliary aid or service may make it easier for you to do your job or to participate in an interview or selection process. So the employer should consider whether it is reasonable to provide this.

The kind of equipment or aid will depend very much on:

- you as an individual disabled person and
- the job you are or will be doing or what is involved in the recruitment process.

You may well have experience of what you need, or you and your employer may be able to get expert advice from some of the organisations listed in Chapter 5: *Further sources of information and advice*.

## Making sure an adjustment is effective

It may be that several adjustments are required in order to remove or reduce a range of disadvantages and sometimes these will not be obvious to the employer. So your employer should work, as much as possible, with you to identify the kind of disadvantages or problems that you face but also the potential solutions in terms of adjustments.

But even if you don't know what to suggest, your employer must still consider what adjustments may be needed.

For example:

A disabled employee has been absent from work as a result of depression. Neither the employee nor their doctor is able to suggest any adjustments that could be made. Nevertheless the employer should still consider whether any adjustments, such as working from home for a time or changing working hours or offering more day-to-day support, would be reasonable.

You and/or your employer may be able to get expert advice from some of the organisations listed in Chapter 5: *Further sources of information and advice*.

## Who pays for reasonable adjustments?

If something is a reasonable adjustment, your employer or prospective employer must pay for it. The cost of an adjustment can be taken into account in deciding if it is reasonable or not.

However, there is a government scheme called Access to Work which can help you if your health or disability affect your work. They help by giving advice and support. Access to Work can also help with extra costs which would not be reasonable for your employer or prospective employer to pay.

For example, Access to Work might pay towards the cost of getting to work if you cannot use public transport, or for assistance with communication at job interviews.

You may be able to get advice and support from Access to Work if you are:

- in a paid job, or
- unemployed and about to start a job, or
- unemployed and about to start a Work Trial, or
- self-employed

and

- your disability or health condition stops you from being able to do parts of your job.

You should make sure your employer knows about Access to Work. Although the advice and support are given to you, your employer will obviously benefit too. Information about Access to Work is in Chapter 5: *Further sources of information and advice*.

# What is meant by ‘reasonable’

Your employer only has to do what is reasonable.

Various factors influence whether a particular adjustment is considered reasonable. The responsibility for making the decision about reasonableness rests with the employer, although you could challenge it if you felt this was necessary.

When deciding whether an adjustment is reasonable an employer can consider:

- how effective the change will be in avoiding the disadvantage you would otherwise experience
- its practicality
- the cost
- their organisation’s resources and size
- the availability of financial support.

Your employer’s overall aim should be, as far as possible, to remove or reduce any substantial disadvantage faced by you as a worker or job applicant which would not be faced by a non-disabled person.

Issues your employer can consider:

- Employers are allowed to treat disabled people better or ‘more favourably’ than non-disabled people and sometimes this may be part of the solution.
- The adjustment must be effective in helping to remove or reduce any disadvantage you are facing. If it doesn’t have any impact at all or only a very minor one, then there is no point.
- In reality it may take several different adjustments to deal with that disadvantage but each change must contribute towards this.
- The employer can consider whether an adjustment is practical. The easier an adjustment is, the more likely it is to be reasonable. However, just because something is difficult doesn’t mean it can’t also be reasonable. The employer needs to balance this against other factors.

- If an adjustment costs little or nothing and is not disruptive, it would be reasonable unless some other factor (such as impracticality or lack of effectiveness) made it unreasonable.
- Your employer's size and resources are another factor. If an adjustment costs a significant amount, it is more likely to be reasonable for your employer to make it if your employer has substantial financial resources. Your employer's resources must be looked at across their whole organisation, not just for the branch or section where you are or would be working. This is an issue which the employer has to balance against the other factors.
- In changing policies, criteria or practices, the employer does not have to change the basic nature of the job, where this would go beyond what is reasonable.
- What is reasonable in one situation may be different from what is reasonable in another situation, such as where you are already working for your employer and face losing your job without an adjustment, or where you are a job applicant. Where you are already working for an employer, or about to start a long-term job with them, they would probably be expected to make more permanent changes (and, if necessary, spend more money) than for someone who is attending a job interview for an hour.
- If they are a larger rather than a smaller organisation, the employer is also more likely to have to make certain adjustments such as redeployment or flexible working patterns which may be easier for an organisation with more staff.
- If advice or support is available, for example, from Access to Work or from another organisation (sometimes charities will help with costs of adjustments), then this is more likely to make the adjustment reasonable.
- If making a particular adjustment would increase the risks to the health and safety of anybody, including yours, then the employer can consider this when making a decision about whether that particular adjustment or solution is reasonable. But the employer's decision must be based on a proper assessment of the potential health and safety risks.

If, having taken all of the relevant issues into account, the employer decides that an adjustment is reasonable, then they must make it happen.

If you do not agree with them about whether an adjustment is reasonable or not, in the end, only an Employment Tribunal can decide this. You can read more about what to do if you believe you've been discriminated against in Chapter 4. This includes if an employer has failed to make what you believe are reasonable adjustments to remove barriers you are facing.

### Providing information in an alternative format

Equality law says that where providing information is involved, the steps which it is reasonable for the employer to take include steps to make sure that the information is provided in an accessible format.

For example:

- A job applicant asks for information about the job to be read onto an audio CD and sent to them. This is likely to be a reasonable adjustment that the employer must make.

## Reasonable adjustments in practice

Examples of steps it might be reasonable for an employer to have to take include:

- **Making adjustments to premises.**

For example:

An employer makes structural or other physical changes such as widening a doorway, providing a ramp or moving furniture for a wheelchair user; relocates light switches, door handles, or shelves for someone who has difficulty in reaching; or provides appropriate contrast in decor to help the safe mobility of a visually impaired person.

- **Allocating some of your duties to another person.**

For example:

An employer reallocates minor or subsidiary duties to another employee as a disabled person has difficulty doing them because of their disability. For example, the job involves occasionally going onto the open roof of a building the employer transfers this work away from an employee whose disability involves severe vertigo.

- **Transferring you to fill an existing vacancy.**

For example:

An employer should consider whether a suitable alternative post is available for a worker who becomes disabled (or whose disability worsens), where no reasonable adjustment would enable the worker to continue doing the current job. This might also involve retraining or other reasonable adjustments such as equipment for the new post or a transfer to a position on a higher grade.

- **Altering your hours of working or training.**

For example:

An employer allows a disabled person to work flexible hours to enable them to have additional breaks to overcome fatigue arising from their disability. It could also include permitting part-time working, or different working hours to avoid the need to travel in the rush hour if this is a problem related to an impairment. A phased return to work with a gradual build-up of hours might also be appropriate in some circumstances.

- **Assigning you to a different place of work or training.**

For example:

An employer relocates the work station of a newly disabled employee (who now uses a wheelchair) from an inaccessible third floor office to an accessible one on the ground floor. If the employer operates from more than one workplace, it may be reasonable to move the employee's place of work to other premises of the same employer if the first building is inaccessible and the other premises are not.

- **Allowing you to be absent during working or training hours for rehabilitation, assessment or treatment.**

For example:

An employer allows a disabled person who has recently developed a condition to have more time off work than would be allowed to non-disabled workers to enable them to have rehabilitation. A similar adjustment would be appropriate if a disability worsens or if a disabled person needs occasional treatment anyway.

- **Giving, or arranging for, training or mentoring (whether for you or for other people). This could be training in particular pieces of equipment which you will be using, or an alteration to the standard employee training to reflect your particular impairment.**

For example:

- All workers are trained in the use of a particular machine but an employer provides slightly different or longer training for an employee with restricted hand or arm movements, or training in additional software for a visually impaired person so that they can use a computer with speech output.
- An employer provides training for employees on conducting meetings in a way that enables a Deaf staff member to participate effectively.
- A disabled person returns to work after a six-month period of absence due to a stroke. Their employer pays for them to see a work mentor, and allows time off to see the mentor, to help with their loss of confidence following the onset of their disability.

- **Acquiring or modifying equipment.**

For example:

An employer might have to provide special equipment (such as an adapted keyboard for someone with arthritis or a large screen for a visually impaired person), an adapted telephone for someone with a hearing impairment, or other modified equipment for disabled workers (such as longer handles on a machine).

The employer does not have to provide or modify equipment for personal purposes unconnected with your job, such as providing a wheelchair if you need one in any event but do not have one. This is because in this situation the disadvantages you are facing do not flow from things your employer has control over.

- **Modifying instructions or reference manuals.**

For example:

The format of instructions and manuals might need to be modified for some disabled people (such as being produced in Braille or on audio CD) and instructions for people with learning disabilities might need to be conveyed orally with individual demonstration or in Easy Read.

- **Modifying procedures for testing or assessment.**

For example:

A person with restricted manual dexterity would be disadvantaged by a written test, so the employer gives that person an oral test instead.

- **Providing a reader or interpreter.**

For example:

An employer arranges for a colleague to read hard copy post to a person with a visual impairment at particular times during the working day. Alternatively, the employer might hire a reader.

- **Providing supervision or other support.**

For example:

An employer provides a support worker or arranges help from a colleague, in appropriate circumstances, for someone whose disability leads to uncertainty or lack of confidence.

- **Allowing you to take a period of disability leave.**

For example:

A worker who has cancer needs to undergo treatment and rehabilitation. Their employer allows a period of disability leave and permits them to return to their job at the end of this period.

- **Participating in supported employment schemes, such as Work step.**

For example:

A person applies for a job as an office assistant after several years of not working because of depression. They have been participating in a supported employment scheme where they saw the job advertised. As a reasonable adjustment the person asks the employer to let them make private phone calls during the working day to a support worker at the scheme.

- **Employing a support worker to assist a disabled worker.**

For example:

An adviser with a visual impairment is sometimes required to make home visits to clients. The employer employs a support worker to assist them on these visits.

- **Modifying disciplinary or grievance procedures.**

For example:

A person with a learning disability is allowed to take a friend (who does not work with them) to act as an advocate at a meeting with the person's employer about a grievance. The employer also makes sure that the meeting is conducted in a way that does not disadvantage or patronise the disabled person.

- **Adjusting redundancy selection criteria.**

For example:

A person with an autoimmune disease has taken several short periods of absence during the year because of the condition. When their employer is taking the absences into account as a criterion for selecting people for redundancy, they discount these periods of disability-related absence.

- **Modifying performance-related pay arrangements.**

For example:

A disabled person who is paid purely on their output needs frequent short additional breaks during their working day – something their employer agrees to as a reasonable adjustment. It is likely to be a reasonable adjustment for their employer to pay them at an agreed rate (e.g. their average hourly rate) for these breaks.

It may sometimes be necessary for an employer to take a combination of steps.

For example:

A woman who is blind is given a new job with her employer in an unfamiliar part of the building. The employer:

- arranges facilities for her assistance dog in the new area
- arranges for her new instructions to be in Braille, and
- provides disability equality training to all staff.

In some situations, a reasonable adjustment will not work without the co-operation of other workers. Your employer's other staff may therefore have an important role in helping make sure that a reasonable adjustment is carried out in practice. Your employer must make this happen. It is unlikely to be a valid 'defence' to a claim under equality law for a failure to make reasonable adjustments for an employer to argue that an adjustment was unreasonable because other staff were obstructive or unhelpful when the employer tried to make an adjustment happen. The employer would at least need to be able to show that they took all reasonable steps to try and resolve the problem of the attitude of their other staff.

For example:

An employer makes sure that a worker with autism has a structured working day as a reasonable adjustment. As part of the reasonable adjustment, it is the responsibility of the employer to make sure that other workers co-operate with this arrangement.

If you do not want your employer to involve other workers, the employer must not breach your confidentiality by telling them about your situation.

But if you are reluctant for other staff to know about your impairment, and your employer believes that a reasonable adjustment requires the co-operation of your colleagues, it may not be possible for the employer to make the adjustment unless you are prepared for some information to be shared. It does not have to be detailed information, just enough to explain to other staff what they need to do.

# Specific situations

## *Employment services*

An **employment service provider** must not unlawfully discriminate against people who are using or want to use its services. There is more information about what this means in the list of words and key ideas.

In addition, an employment service provider has a duty to make reasonable adjustments, except when providing a **vocational service**.

For employment service providers, unlike for employers, the duty is 'anticipatory'. If an organisation is an employment service provider, this means they cannot wait until you or another disabled person wants to use their services, but must think in advance (and on an ongoing basis) about what disabled people with a range of **impairments** might reasonably need, such as people who have a visual impairment, a hearing impairment, a mobility impairment, or a learning disability.

For example:

An employment agency makes sure its website is accessible to disabled people and that it can provide information about job opportunities in a range of **alternative formats**. It also makes sure its staff are trained to assist disabled people who approach it to find out about job opportunities.

## Occupational pensions

Occupational pension schemes must not unlawfully discriminate against people. There is more information about what this means in the Equality and Human Rights Commission guide: *Your rights to equality at work: pay and benefits*.

In addition, an occupational pension scheme must make reasonable adjustments to any provision, criterion or practice in relation to the scheme which puts you at a substantial disadvantage in comparison with people who are not disabled.

For example:

The rules of an employer's final salary scheme provide that the maximum pension receivable is based on the member's salary in the last year of work. Having worked full-time for 20 years, a worker develops a condition which leads them to reduce their working hours two years before their pension age. The scheme's rules put them at a disadvantage as a result of their disability, because their pension will only be calculated on their part-time salary. The trustees decide to convert the worker's part-time salary to its full-time equivalent and make a corresponding reduction in the period of their part-time employment which counts as pensionable. In this way, their full-time earnings will be taken into account. This is likely to be a reasonable adjustment to make.

## Questions about health or disability

Except in very restricted circumstances or for very restricted purposes, employers are not allowed to ask any job applicant about their health or any disability until the person has been:

- offered a job either outright or on conditions, or
- included in a pool of successful candidates to be offered a job when a position becomes available, where more than one post is being recruited to (for example, if an employer is opening a new workplace or expects to have multiple vacancies for the same role).

This includes asking such a question as part of the application process or during an interview. Questions relating to previous sickness absence are questions that relate to health or disability.

This applies whether or not you are a disabled person.

No-one else can ask these questions on the employer's behalf either. So an employer cannot refer you to an **occupational health practitioner** or ask you to fill in a questionnaire provided by an occupational health practitioner before the offer of a job is made (or before you have been included in a pool of successful applicants) except in very limited circumstances, which are explained next.

The point of stopping employers asking questions about health or disability is to make sure that all job applicants are looked at properly to see if they can do the job in question, and not ruled out just because of issues related to or arising from their health or disability, such as sickness absence, which may well say nothing about whether they can do the job now.

The employer can ask questions once they have made a job offer or included you in a group of successful candidates. At that stage, the employer could make sure that your health or disability would not prevent you from doing the job. But the employer must also consider whether there are reasonable adjustments that would enable you to do the job.

## ***What happens if an employer asks questions about health or disability?***

You can bring a claim against an employer if:

- the employer asked health or disability-related questions of a kind that are not allowed, and
- you believe there has been direct discrimination as a result of the information that you gave (or failed to give) when answering the questions.

Separately, the Equality and Human Rights Commission can take legal action against the employer if they ask job applicants any health or disability-related questions that are not allowed by equality law. Contact details for the Equality and Human Rights Commission are at the end of this guide.

## ***When an employer is allowed to ask questions about health or disability***

An employer can ask questions about health or disability when:

- They are asking the questions to find out if you need reasonable adjustments for the recruitment process, such as for an assessment or an interview.

For example:

An application form states: 'Please contact us if you need the application form in an alternative format or if you need any adjustments for the interview'. This is allowed.

- They are asking the questions to find out if you (whether you are a disabled person or not) can take part in an assessment as part of the recruitment process, including questions about reasonable adjustments for this purpose.

For example:

An employer is recruiting play workers for an outdoor activity centre and wants to hold a practical test for applicants as part of the recruitment process. It asks a question about health in order to ensure that applicants who are not able to undertake the test (for example, because they are pregnant or have an injury) are not required to take the test. This is allowed.

- They are asking the questions for **monitoring** purposes to check the **diversity** of applicants.
- They want to make sure that any applicant who is a disabled person can benefit from any measures aimed at improving disabled people's employment rates. For example, the **guaranteed interview scheme**. The employer should make it clear to job applicants that this is why they are asking the question.
- They are asking the question because having a specific impairment is an **occupational requirement** for a particular job.

For example:

An employer wants to recruit a Deafblind project worker who has personal experience of Deafblindness. This is an occupational requirement of the job and the job advert states that this is an occupational requirement. The employer can ask on the application form or at interview about the applicant's disability.

- Where the questions relate to a requirement to vet applicants for the purposes of **national security**.
- Where the question relates to a person's ability to carry out a function that is intrinsic (or absolutely fundamental) to that job. Where a health or disability-related question would mean the employer would know you can carry out that function with reasonable adjustments in place, then the employer can ask the question.

For example:

A construction company is recruiting scaffolders. The company can ask about health or disability on the application form or at interview if the questions relate specifically to an applicant's ability to climb ladders and scaffolding to a significant height. The ability to climb ladders and scaffolding is intrinsic or fundamental to the job.

In practice, even if a function is intrinsic to the job, the employer should be asking you (if you are a disabled person) about your ability to do the job with reasonable adjustments in place. There will be very few situations where a question about a person's health or disability needs to be asked.

Most of the time, whether on an application form or during an interview, an employer should ask you a question about whether you have the relevant skills, qualities or experience to do the job, not about your health or about any disability you may have.

For example:

An employer is recruiting a person as a cycle courier. They ask applicants to send in a CV setting out their relevant experience and a covering letter saying why they would be suitable for the job. The employer will score candidates on their experience of and enthusiasm for cycling. It is not necessary to ask applicants questions about health or disability. If the employer considers a health check is necessary, for example, for insurance purposes, this can be carried out once an applicant has been offered the job, and the job offer can be made conditional on the health check.

## 4. What to do if you believe you've been discriminated against

If you believe you have been **unlawfully discriminated** against by your **employer**, or their **employee** or **agent**, in a **work situation**, what can you do about it? Or if you have applied for a job (or been stopped from applying) and believe you have been unlawfully discriminated against during the application process, what can you do about it?

This part of this guide covers:

- Your choices
- Was what happened against equality law?
- Ways you can try to get your employer to sort out the situation by complaining directly to them:
  - Making a complaint informally
  - Using your employer's grievance procedures
  - Alternative dispute resolution (getting more information about involving other people in sorting the situation out)
  - What your employer can do if they find that there has been unlawful discrimination
  - What your employer can do if they find that there wasn't any unlawful discrimination
  - Monitoring the outcome
- The questions procedure, which you can use to find out more
- Key points about discrimination cases in a work situation:
  - Where claims are brought
  - Time limits for making a claim
  - The standard and burden of proof
  - What the Employment Tribunal can order your employer to do.
- Where to find out more about making a tribunal claim

Read the whole of this part of the guide before you decide what to do, so you know all the options you have.

It is especially important that you work out when the last day is that you can tell the Employment Tribunal about your complaint, so that you don't miss that deadline, even if you are trying to work things out with your employer first.

## Your choices

There are three things you can do:

- Complain informally to your employer.
- Bring a grievance using your employer's grievance procedures.
- Make a claim to the Employment Tribunal.

You do not have to choose only one of these. Instead, you could try them in turn. If you cannot get your employer to put things right, then you can make a claim to the Employment Tribunal.

Just be aware that if you do decide to make a claim to the Employment Tribunal, you need to tell the tribunal about your claim (by filling in a form) within three months (less one day) of what happened.

You do not have to go first to your employer before making a claim to the Employment Tribunal.

But there are two reasons for doing this:

- You should think carefully about whether making a claim to the Employment Tribunal is the right thing for you personally.

Making a claim may be demanding on your time and emotions, and before starting the process you may want to look at whether or not you have a good chance of succeeding. You may also want to see if there are better ways of sorting out your complaint.

- If you do not use your employer's procedures for solving a problem before you make a claim to the Employment Tribunal, and you win your case, the tribunal can reduce any money it tells your employer to pay you by up to a quarter if it thinks you acted unreasonably.

## Was what happened against equality law?

Write down what happened as soon as you can after it happened, or tell someone else about it so they can write it down. Put in as much detail as you can about who was involved and what was said or done. Remember, the problem will sometimes be that something was not done.

For example:

- If you are a disabled person and you asked for a **reasonable adjustment** which was not made.
- If someone did not change a decision they had made or stop applying a rule or way of doing things and this had a worse impact on you and other people with the same protected characteristic (**indirect discrimination**).

Read the rest of this guide. Does what happened sound like any of the things we say a person or organisation must or must not do?

Sometimes it is difficult to work out if what happened is against equality law. You need to show that your protected characteristics played a part in what happened. The rest of this guide tells you more about what this means for the different types of unlawful discrimination or for harassment or victimisation.

If you think you need more information from the person or organisation before deciding what to do, then you can use the questions procedure, which we explain at page 72.

If you feel you need to get more advice on whether what happened was against equality law, you will find information on places where you can get help in Chapter 5: *Further sources of information and advice*.

## Is your complaint about equality law or is it about another sort of problem at work?

This guide focuses on making a complaint about something that is against equality law.

You may have a complaint (which is often called ‘bringing a grievance’) about something else at work, which is not related to a **protected characteristic**.

Sometimes it is difficult to work out which laws apply to a situation.

If you are not sure what to do, you can get advice about your situation from other organisations, particularly the Arbitration and Conciliation Service (Acas) or Citizens Advice or your trade union. Contact details for these and other organisations who may be able to help you are in Chapter 5: *Further sources of information and advice*.

## Ways you can try to get your employer to sort out the situation by complaining directly to them

### *Making a complaint informally*

It may be that your employer can look into what has happened and decide what to do without it being necessary for you to make a formal complaint.

Often all it needs to stop something happening is for the other person to understand the effect of what they have done or that the situation is being taken seriously by you – and their – employer.

This is especially the case if they did not intend something to have the impact it did – for example, if what has happened is indirect discrimination or discrimination arising from disability.

Making a complaint informally means talking to the person at your workplace who can make the situation better. This may be your manager or, if it is your manager who is behaving in the way you believe is unlawful discrimination, someone higher up. In a small organisation, it may be your employer themselves.

It is a good idea to ask your manager or employer for a meeting, so that there is enough time for you to talk about what has happened and to say what you’d like them to do.

The meeting needs to be somewhere where you can talk to your manager or employer without other people hearing what you are saying.

Even though it is an informal meeting, you can still prepare for the meeting by writing down what you want to say. This can help you make sure you have said everything you want to say to your manager or employer.

This may be especially important if you work for a small organisation and it is the person in charge (who may be the only manager) who has done what you want to complain about. If you can, you may get a better result from the meeting if you can explain what has happened in a way that does not immediately make your employer feel you are blaming them for doing something wrong.

If you need help with this, you could contact one of the organisations listed in Chapter 5 or you could ask your trade union if you have one or a colleague or friend. It may help to practise what you want to say.

Tell the person you are meeting:

- what has happened
- what effect it had or is having on you
- what you want them to do about it, for example, talking informally to the person or people who have done something

Your manager or employer may need time to think about what has happened and what to do about it. They may need to talk to other people to find out if they saw or heard anything. Tell your manager or employer if you agree to them doing this. If you do not agree, this may make it harder for them to find out what happened.

Your manager or employer should tell you what they are going to do, and then later what the result was.

If after investigating what has happened, your manager or employer decides:

- no unlawful discrimination took place, or
- that they are not responsible for what has happened (see page 38)

then they should tell you this is what they have decided within a reasonable time.

If they don't explain why they decided this, you can ask them to explain. They do not have to explain, but if they do it may help you to decide what to do next: for example, if it is worth taking things further.

You then have two options:

- accepting the outcome
- taking things further by making a formal complaint using any procedures your employer has for doing this.

If your employer or manager agrees with you that what happened was unlawful discrimination, then they will want to make sure it does not happen again.

This may mean you don't need you to do anything other than carry on with your job as usual. Or they may want you to do something such as meeting the person who discriminated against you. In any case, you may need to go on working with that person.

Don't feel that you have to do anything you are not comfortable with. But it may help sort things out to do what your employer suggests, if necessary with some expert help, for example, from your trade union or from another person or organisation, such as a mediator. You can read more about this on page 71: *Alternative dispute resolution*.

If the discrimination was serious or just one of a series of events, your employer may want to take disciplinary action against the person who discriminated against you. You would probably have to explain to a disciplinary hearing what happened. You may be able to get help or support in doing this from your trade union if you have one or from one of the organisations listed in Chapter 5: *Further sources of information and advice*.

If your employer does not tell you what they have decided, even after you have reminded them, then you can either make a formal complaint or make an Employment Tribunal claim. Make sure you know when the last day is for bringing your claim so you don't miss this deadline.

## **Using your employer's grievance procedures**

If you are not satisfied with the result of your informal complaint, then you can make a formal complaint, using the set procedures your employer has. It is the use of the set procedures that makes it 'formal'.

If you make a formal complaint, this is often called a 'grievance'.

Your employer should be able to tell you what their procedures are.

If they don't have any information they can give you, there is a standard procedure which you can get from Acas. Your employer can use this too, if, for example, they don't have their own procedures. Contact details for Acas are in Chapter 5: *Further sources of information and advice*.

If you are not happy about the outcome of a grievance procedure, then you have a right to appeal.

## Alternative dispute resolution

If you or your employer want to get help in sorting out a complaint about discrimination, you can agree to what is usually called 'alternative dispute resolution' or ADR. ADR involves finding a way of sorting out the complaint without a formal tribunal hearing. ADR techniques include mediation and conciliation.

In complaints relating to work situations, this can happen:

- as part of an informal process
- when formal grievance procedures are being used, or
- before an Employment Tribunal claim has been brought or finally decided.

There are different organisations who may be able to help with this:

- your trade union
- Acas
- ADRnow, an information service run by the Advice Services Alliance (ASA).

There is more information about the options at [Directgov](#).

Acas in particular runs a free conciliation service.

Details of how to contact these organisations are in Chapter 5: *Further sources of information and advice*.

## What your employer can do if they find that there has been unlawful discrimination

The action your employer can take will depend on the specific details of the case and its seriousness. Your employer should take into consideration any underlying circumstances and the outcome of previous similar cases. Actions your employer could take include:

- Some form of alternative dispute resolution (which is explained above), which may be especially useful where you and the person who discriminated have to carry on working together.
- **Equality training** for the person who discriminated.
- Appropriate disciplinary action (your employer can find out more about disciplinary procedures from Acas).

## What your employer can do if they find that there wasn't any unlawful discrimination

If your employer hears your grievance and any appeal but decides that you weren't unlawfully discriminated against, they still need to find a way for everyone to continue to work together.

Your employer may be able to do this themselves, or it may be better to bring in help from outside as with alternative dispute resolution (which is explained above).

### Monitoring the outcome

Whether your employer decides that there has been unlawful discrimination or not, you must not be treated badly for having complained. For example, if your employer made you transfer to another part of their organisation (if it is big enough) this may be **victimisation**. However, you could ask to be transferred, and your employer should do this if you are sure this is what you really want.

Your employer should monitor the situation at your workplace to make sure that the unlawful discrimination (if your employer found there was discrimination) has stopped and that there is no victimisation of you or anyone who helped you.

If you are not satisfied with what has happened, whether that is with

- your employer's investigation
- their decision
- the action they have taken to put the situation right
- how you have been treated after you made the complaint

you could bring a claim in the Employment Tribunal. This is explained in the next part of this guide.

### The questions procedure

If you think you may have been unlawfully discriminated against, then you can get information from your employer to help you decide if you have a valid claim or not.

There is a set form to help you do this which you can see at: [www.equalities.gov.uk](http://www.equalities.gov.uk), but your questions will still count even if you do not use the form, so long as you use the same questions.

If you send the questions to your employer, they are not legally required to reply to the request, or to answer the questions, but it may harm their case in the Employment Tribunal if they do not.

The questions and the answers can form part of the evidence in a case brought under the Equality Act 2010 (in other words, the law explained in this guide).

You can send your employer the questions before you make your claim to the Employment Tribunal, or at the same time, or after you have sent your claim.

If it is before, then you must send the questions to your employer so that they receive them no later than three months after what happened which you believe was unlawful discrimination.

If you have already sent your claim to the Employment Tribunal, then you must send the questions to your employer so that they receive them:

- within 28 days of your claim being sent to the Employment Tribunal if the claim involves disability discrimination (including a failure to make **reasonable adjustments**) or
- within 21 days of the claim being sent to the Employment Tribunal in all other cases.

If your employer does not respond to the questionnaire within eight weeks of your sending it to them, the Employment Tribunal can take that into account when making its decision. The Employment Tribunal can also take into account answers which are evasive or unclear.

- There is an exception to this. The Employment Tribunal cannot take the failure to answer into account if a person or organisation states that to give an answer could prejudice criminal proceedings and this is reasonable. Most of the time, breaking equality law only leads to a claim in a civil tribunal or court. Occasionally, breaking equality law can be punished by the criminal courts. In that situation, the person or organisation may be able to refuse to answer the questions, if in answering they might incriminate themselves and it is reasonable for them not to answer. If your employer says this applies to them, you should get more advice on what to do.

If you send your employer the questions, your employer must not treat you badly because you have done this. If your employer did, it would almost certainly be **victimisation**.

# Key points about discrimination cases in a work situation

The key points this guide explains are:

- Where claims are brought
- Time limits for bringing a claim
- The standard and burden of proof
- What the Employment Tribunal can order your employer to do.

## *Where claims are brought*

An Employment Tribunal can decide a complaint involving unlawful discrimination in a **work situation**.

Employment Tribunals can also decide cases about:

- Collective agreements, which can cover any terms of employment, such as pay or other benefits or working conditions.
- Equal pay and occupational pensions cases, which you can read more about in the Equality and Human Rights Commission guide: *Your rights to equality at work: pay and benefits*.
- Requirements an employer places on someone to discriminate against people as part of their job, for example, if someone works in a shop, telling them not to serve customers with a particular protected characteristic.

If you want to complain about questions being asked about your health or disability when you were applying for a job, you can bring a claim in the Employment Tribunal if you believe you were discriminated against because of disability, or for a reason connected with your disability and it relates to the answers you gave to those questions.

For example:

A job applicant who is a disabled person is asked questions about their health and disability during their interview. They do not get the job. They believe this is because of the answers they gave to the questions. They can bring a claim in the Employment Tribunal.

You cannot bring a case against the employer just for asking the questions if these had no impact on you personally, for example, if it is clear why you did not get the job and this does not relate to the answers you gave to those questions. Of course, if other unlawful discrimination happened, you can still bring a case.

Only the Equality and Human Rights Commission can take up the wider case (in the County Court in England or Wales, and the Sheriff Court in Scotland) to challenge the employer just for asking the questions if no individual was unlawfully discriminated against.

If you are a member of the armed services, you can only bring your complaint to the Employment Tribunal after your **service complaint** has been decided.

### ***Time limits for bringing a claim***

You must bring your claim within three months (less one day) of the claimed unlawful discrimination taking place.

For example:

An employer unlawfully discriminates against a worker. The discrimination took place on 5 May. The worker must tell the Employment Tribunal about their claim using the proper form by 4 August at the latest.

There are two situations where this is slightly different:

- in equal pay cases, different time limits apply – see the Equality and Human Rights Commission guide: *Your rights to equality at work: pay and benefits*, and
- for cases involving the armed forces, the time limit is six months (less one day).

If you bring your a claim after the date has passed, it is up to the Employment Tribunal to decide whether it is fair to everyone concerned, including both you and your employer, to allow your claim to be brought later than this.

Do not assume they will allow you to bring a late claim. They may not, in which case, you will have lost any chance to get the situation put right by the Employment Tribunal.

When a claim concerns something that was not a one-off incident, but which has happened over a period of time, the time limit starts when the period has ended.

For example:

An employer operates a mortgage scheme for married couples only. Someone who is a civil partner would be able to make a claim for unlawful discrimination because of sexual orientation to a tribunal at any time while the scheme continues to operate in favour of married couples or within three months of the scheme ceasing to operate in favour of married couples.

If you are complaining about a failure to do something, for example, a failure to make **reasonable adjustments**, then the three months begins when your employer made a decision not to do it.

If there is no solid evidence of when they made a decision, then the decision is assumed to have been made either:

- when the person who failed to do the thing does something else which shows they don't intend to do it, or
- at the end of the time when they might reasonably have been expected to do the thing.

For example:

A wheelchair-user asks their employer to install a ramp to enable them to get over the kerb between the car park and the office entrance more easily. The employer indicates that it will do so but no work at all is carried out. After a period in which it would have been reasonable for the employer to commission the work, even though the employer has not made a positive decision not to install a ramp, it may be treated as having made that decision anyway.

## ***The standard and burden of proof***

The standard of proof in discrimination cases is the usual one in civil (non-criminal) cases. Each side must try to prove the facts of their case are true on the balance of probabilities, in other words, that it is more likely than not in the view of the tribunal that their version of events is true.

If you are claiming unlawful discrimination, harassment or victimisation against your employer, then the burden of proof begins with you. You must prove enough facts from which the tribunal can decide, without any other explanation, that the discrimination, harassment or victimisation has taken place.

Once you have done this, then, in the absence of any other explanation, the burden shifts onto your employer to show that they or someone for whose actions or omissions they were responsible did not discriminate against, harass or victimise you.

## ***What the Employment Tribunal can order your employer to do***

What the tribunal can order if you win your case is called a 'remedy'.

The main remedies available to the Employment Tribunal are to:

- Make a declaration that your employer has discriminated.
- Award compensation to be paid for the financial loss you have suffered (for example, loss of earnings), and damages for injury to your feelings.
- Make a recommendation, requiring your employer to do something specific within a certain time to remove or reduce the bad effects which the claim has shown to exist on the individual.

For example:

Providing a reference or reinstating you to your job, if the tribunal thinks this would work despite the previous history.

The Employment Tribunal can also make a recommendation requiring your employer to do something specific within a certain time to remove or reduce the bad effects which the claim has shown to exist on the wider workforce (although not in equal pay cases). This might be particularly applicable where you have already left that employer so any individual recommendation would be pointless.

For example:

- introducing an equal opportunities policy
- ensuring its harassment policy is more effectively implemented
- setting up a review panel to deal with equal opportunities and harassment/grievance procedures
- re-training staff, or
- making public the selection criteria used for transfer or promotion of staff.

If your employer does not do what they have been told to do in a recommendation relating to you, the tribunal may order them to pay you compensation, or an increased amount of compensation, instead.

In cases of **indirect discrimination**, if your employer can prove that they did not intend what they did to be discriminatory, the tribunal must consider all of the remedies before looking at damages.

The tribunal can also order your employer to pay your legal costs and expenses, although this does not often happen in Employment Tribunal cases.

## Where to find out more about making a tribunal claim

You can find out more about how to bring an Employment Tribunal case against your employer from the Employment Tribunal itself. They have information that tells you how to fill in the right form, and what to expect once you have made a claim.

This applies to England, Scotland and Wales, although occasionally tribunal procedures themselves are different in England and Wales and in Scotland.

You can find contact details for the Employment Tribunal in Chapter 5: *Further sources of information and advice*.

## 5. Further sources of information and advice

### **Equality and Human Rights Commission:**

The Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights. The Equality and Human Rights Commission helplines advise both individuals and organisations such as employers and service providers.

Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Helpline – England**

Email: [info@equalityhumanrights.com](mailto:info@equalityhumanrights.com)

Telephone: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

08:00–18:00 Monday to Friday

### **Helpline – Wales**

Email: [wales@equalityhumanrights.com](mailto:wales@equalityhumanrights.com)

Telephone: 0845 604 8810

Textphone: 0845 604 8820

Fax: 0845 604 8830

08:00–18:00 Monday to Friday

### **Helpline – Scotland**

Email: [scotland@equalityhumanrights.com](mailto:scotland@equalityhumanrights.com)

Telephone: 0845 604 5510

Textphone: 0845 604 5520

Fax: 0845 604 5530

08:00–18:00 Monday to Friday

### **Acas – The Independent Advisory, Conciliation and Arbitration Service:**

Acas aims to improve organisations and working life through better employment relations. It provides impartial advice, training, information and a range of problem resolution services.

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

Telephone: 08457 47 47 47 (Monday–Friday: 08:00–20:00; Saturday: 09:00–13:00)

### **Access to Work:**

Access to Work can help disabled people or their employers if their condition or disability affects the ease by which they can carry out their job or gain employment. It gives advice and support with extra costs which may arise because of certain needs.

Website:

[www.direct.gov.uk/en/disabledpeople/employmentsupport/workschemesandprogrammes](http://www.direct.gov.uk/en/disabledpeople/employmentsupport/workschemesandprogrammes)

London, East England and South East England:

Telephone: 020 8426 3110

Email: [atwosu.london@jobcentreplus.gsi.gov.uk](mailto:atwosu.london@jobcentreplus.gsi.gov.uk)

Wales, South West England, West Midlands and East Midlands:

Telephone: 02920 423 29

Email: [atwosu.cardiff@jobcentreplus.gsi.gov.uk](mailto:atwosu.cardiff@jobcentreplus.gsi.gov.uk)

Scotland, North West England, North East England and Yorkshire and Humberside:

Telephone: 0141 950 5327

Email: [atwosu.glasgow@jobcentreplus.gsi.gov.uk](mailto:atwosu.glasgow@jobcentreplus.gsi.gov.uk)

### **Advicenow:**

An independent, not-for-profit website providing accurate, up-to-date information on rights and legal issues.

Website: <http://www.advicenow.org.uk/>

### **Advice UK:**

A UK network of advice-providing organisations. They do not give out advice themselves, but the website has a directory of advice-giving agencies.

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

Telephone: 020 7469 5700

Fax: 020 7469 5701

Email: [mail@adviceuk.org.uk](mailto:mail@adviceuk.org.uk)

### **Association of Disabled Professionals (ADP):**

The ADP website offers advice, support, resources and general information for disabled professionals, entrepreneurs and employers.

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

Telephone: 01204 431638 (answerphone only service)

Fax: 01204 431638

Email: [info@adp.org.uk](mailto:info@adp.org.uk)

## **Carers UK:**

The voice of carers. Carers provide unpaid care by looking after an ill, frail or disabled family member, friend or partner.

### **England**

Website: [www.carersuk.org](http://www.carersuk.org)

Telephone: 020 7378 4999

Email: [info@carersuk.org](mailto:info@carersuk.org)

### **Scotland**

Website: [www.carerscotland.org](http://www.carerscotland.org)

Telephone: 0141 445 3070

Email: [info@carerscotland.org](mailto:info@carerscotland.org)

### **Wales**

Website: [www.carerswales.org](http://www.carerswales.org)

Telephone: 029 2081 1370

Email: [info@carerswales.org](mailto:info@carerswales.org)

## **ChildcareLink:**

ChildcareLink provides details of local childcare providers for employees and employers, as well as general information about childcare.

Website: [www.childcarelink.gov.uk](http://www.childcarelink.gov.uk)

Telephone: 0800 2346 346

## **Citizens Advice:**

Citizens Advice Bureaux provide free, confidential and independent advice in England and Wales. Advice is available face-to-face and by telephone. Most bureaux offer home visits and some also provide email advice. To receive advice, contact your local Citizens Advice Bureau, which you can find by visiting the website.

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

Telephone: (admin only) 020 7833 2181

Fax: (admin only) 020 7833 4371

The Adviceguide website is the main public information service of Citizens Advice. It covers England, Scotland and Wales.

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

**Citizens Advice Scotland:**

Citizens Advice Scotland is the umbrella organisation for bureaux in Scotland. They do not offer advice directly but can provide information on Scottish bureaux.

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

**Community Legal Advice:**

Community Legal Advice offers free, independent and confidential legal advice in England and Wales.

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

Telephone: 0800 0856 643

**Directgov:**

Directgov is the UK government's digital service for people in England and Wales. It delivers information and practical advice about public services, bringing them all together in one place.

Website: [www.direct.gov.uk](http://www.direct.gov.uk)

**Disability Law Service (DLS):**

The DLS is a national charity providing information and advice to disabled and Deaf people. It covers a wide range of topics including discrimination, consumer issues, education and employment.

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

Telephone: 020 7791 9800

Minicom: 020 7791 9801

**Government Equalities Office (GEO):**

The GEO is the Government department responsible for equalities legislation and policy in the UK.

Website: [www.equalities.gov.uk](http://www.equalities.gov.uk)

Telephone: 020 7944 4400

### **Law Centres Federation:**

The Law Centres Federation is the national co-ordinating organisation for a network of community-based law centres. Law centres provide free and independent specialist legal advice and representation to people who live or work in their catchment areas. The Federation does not itself provide legal advice, but can provide details of your nearest law centre.

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

Telephone: 020 7842 0720

Fax: 020 7842 0721

Email: [info@lawcentres.org.uk](mailto:info@lawcentres.org.uk)

### **The Law Society:**

The Law Society is the representative organisation for solicitors in England and Wales. Their website has an online directory of law firms and solicitors. You can also call their enquiry line for help in finding a solicitor. They do not provide legal advice.

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

Telephone: 020 7242 1222 (general enquiries)

They also have a Wales office:

Telephone: 029 2064 5254

Fax: 029 2022 5944

Email: [wales@lawsociety.org.uk](mailto:wales@lawsociety.org.uk)

Scottish Association of Law Centres (SALC):

SALC represents law centres across Scotland.

Website: [www.scotlawcentres.blogspot.com](http://www.scotlawcentres.blogspot.com)

Telephone: 0141 561 7266

### **Mindful Employer:**

Mindful Employer provides information, advice and practical support for people whose mental health affects their ability to find or remain in employment, training, education and voluntary work.

Website: [www.mindfulemployer.net](http://www.mindfulemployer.net)

Telephone: 01392 208 833

Email: [info@mindfulemployer.net](mailto:info@mindfulemployer.net)

**NHS Carers Direct:**

NHS Carers Direct gives information about carers' rights in employment and beyond, as well as the services available to them.

Website: [www.nhs.uk/carersdirect](http://www.nhs.uk/carersdirect)

Telephone: 0808 802 0202

**The Office of the Pensions Advisory Service (OPAS):**

OPAS provides free advice on pensions including help with problems.

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

Telephone: 0845 601 2923

Email: [enquiries@opas.org.uk](mailto:enquiries@opas.org.uk)

**Pay and Work Rights Helpline:**

The Pay and Work Rights Helpline provides advice on government enforced employment rights.

Website: [www.payandworkrightscampaign.direct.gov.uk/index.html](http://www.payandworkrightscampaign.direct.gov.uk/index.html)

Telephone: 0800 917 2368

**People First Ltd:**

People First is a charity run by and for people with learning difficulties. It provides information on self advocacy and provides training and consultancy for organisations and employers.

Website: [www.peoplefirstltd.com](http://www.peoplefirstltd.com)

Telephone: 020 7820 6655

Email: [general@peoplefirstltd.com](mailto:general@peoplefirstltd.com)

**Press for Change (Pfc):**

PfC is a political lobbying and educational organisation. It campaigns to achieve equality and human rights for all Trans people in the United Kingdom, through legislation and social change. It provides a free legal advice service for Trans people.

Telephone: 0161 432 1915 (10:00–17:00, Thursdays only until further notice)

Website: [www.transequality.co.uk](http://www.transequality.co.uk) / [www.pfc.org.uk](http://www.pfc.org.uk)

Email: [transequality@pfc.org.uk](mailto:transequality@pfc.org.uk)

### **Sainsbury Centre for Mental Health:**

The Sainsbury Centre for Mental Health works to improve the quality of life for people with mental health conditions. They carry out research, policy work and analysis to improve practice and influence policy in mental health as well as public services.

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

Telephone: 020 7827 8300

Email: [contact@scmh.org.uk](mailto:contact@scmh.org.uk)

### **Stonewall:**

Stonewall is the UK's leading lesbian, gay and bisexual charity and carries out campaigning, lobbying and research work as well as providing a free information service for individuals, organisations and employers.

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

Telephone: 08000 50 20 20

Email: [info@stonewall.org.uk](mailto:info@stonewall.org.uk)

### **TUC – the Trades Union Congress (England and Wales):**

With 59 member unions representing over six and a half million working people, the TUC campaigns for a fair deal at work and for social justice at home and abroad.

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

Telephone: 020 7636 4030

### **Scottish Trades Union Congress (STUC):**

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

Telephone: 0141 337 8100

Email: [info@stuc.org.uk](mailto:info@stuc.org.uk)

### **Working Families:**

Working Families is a work–life balance organisation, helping children, working parents and carers and their employers find a better balance between responsibilities at home and work.

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

Telephone: 0800 013 0313

Email: [office@workingfamilies.org.uk](mailto:office@workingfamilies.org.uk)

**WorkSMART:**

WorkSMART aims to help everyone at work – whether or not they are union members – to get a good deal from their working life. Available to help when things go wrong at work or simply to give help for planning for the future.

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

# Contact us

The Equality and Human Rights Commission aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

You can find out more or get in touch with us via our website at [www.equalityhumanrights.com](http://www.equalityhumanrights.com) or by contacting one of our helplines below. If you require this publication in an alternative format and/or language please contact the relevant helpline to discuss your needs.

## **Equality and Human Rights Commission helpline – England**

Telephone: 08456 046 610

Textphone: 08456 046 620

Fax: 08456 046 630

8am–6pm, Monday to Friday

## **Equality and Human Rights Commission helpline – Scotland**

Telephone: 08456 045 510

Textphone: 08456 045 520

Fax: 08456 045 530

8am–6pm, Monday to Friday

## **Equality and Human Rights Commission helpline – Wales**

Telephone: 08456 048 810

Textphone: 08456 048 820

Fax: 08456 048 830

8am–6pm, Monday to Friday

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

© Equality and Human Rights Commission

Published July 2010

ISBN 978-1-84206-288-3