

Disability

While there are specialist voluntary organisations that work with, and promote the rights of disabled people, all community and voluntary organisations have an obligation to not only comply with disability discrimination regulations but to go further in promoting the rights and inclusion of disabled people.

Rights to access goods, premises, and services

Disability discrimination law gives people with disabilities important rights not to be discriminated against:

- in accessing important social goods and services, such as healthcare, housing, education and transport
- Access to everyday services
- in accessing everyday goods and services like shops, cafés, banks, cinemas and places of worship
- in buying or renting land or property
- in accessing certain private facilities, such as those owned by private clubs (with 25 or more members)
- in how public bodies carry out some of their other functions, such as policing and the issuing of licences

Rights in employment

It is unlawful for any employer to discriminate against jobseekers and employees with disabilities. This includes failing to make reasonable adjustments and subjecting people with disabilities to disability-related harassment.

Under disability discrimination legislation it is unlawful for employers to discriminate against jobseekers or employees with disabilities. The law covers all aspects of employment from recruitment through to the ending of the employment and beyond - for example giving employment references. The law includes:

- arrangements for recruiting and selecting new staff
- terms and conditions of employment, including pay and benefits
- promotion, transfer or training opportunities
- work placement opportunities
- disciplinary procedures
- performance management and attendance procedures
- dismissal or redundancy
- occupational pensions
- the way that the work is arranged and performed
- the physical features of an employer's premises

Another important protection is that the law also outlaws disability-related harassment (or bullying) against people with disabilities in the workplace. This is unwanted behaviour, whether intended or not, that is related to disability, and which causes feelings such as offence, humiliation or hurt. It can include behaviour such as name-calling, making fun of a person's disability or making fun of people with disabilities generally.

Reasonable adjustments in the workplace

There is a special form of disability discrimination where an employer is under a duty to make reasonable adjustments for a particular job applicant or employee with a disability and fails to keep to it. Failing to meet the duty cannot be justified and is always unlawful.

Source: www.diycommitteeguide.org

An employer is under a duty to make reasonable adjustments for a job applicant or employee with a disability if the following conditions apply:

- the person with a disability is at a large disadvantage compared to people who do not have a disability
- any provision, criterion or practice applied by the employer, or any physical feature of premises occupied by the employer
- the employer knows, or could reasonably be expected to know, that the person with a disability is disabled and is suffering the disadvantage, or is likely to

Where the employer is under the duty, they must take reasonable steps, in all the circumstances of the case, to prevent the person with disabilities from suffering the disadvantage.

Examples of adjustments

Examples of adjustments an employer should consider, in consultation with the disabled person, include:

- allocating some of the work to someone else
- transferring the person to another post or another place of work
- making adjustments to the buildings where the disabled person works
- being flexible about work hours - allowing the disabled person to have different core working hours and to be away from the office for assessment, treatment, or rehabilitation
- providing training or retraining if the disabled person cannot do their current job any longer
- providing modified equipment
- making instructions and manuals more accessible
- providing a reader or interpreter

Things to consider at work

Deciding on when an adjustment is a reasonable one depends on the circumstances. What is reasonable in one situation may not be reasonable in others. The aim of the duty is to allow people with disabilities to get work, stay in work or return to work. An important consideration is whether a proposed adjustment will help achieve that goal but there are other factors that may need to be taken into account too.

You can play an active role in discussing these arrangements with your employer. You might also want to encourage your employer to speak to someone with expertise in giving work-related help for people with disabilities, such as an occupational health adviser.

Issues for both the organisation and the disabled person to consider include:

- How effective will an adjustment be?
- Will it mean that your disability is slightly less of a disadvantage or will it significantly cut the disadvantage?
- Is it practical?
- Will it cause much disruption?
- Will it help other people in the workplace?
- Is the cost prohibitive?

The organisation should make itself aware of the *Access to Work* programme and other employment support schemes. Through these programmes, employers can get advice on suitable adjustments and possibly financial help towards the cost of the adjustments.

Health

It is unlawful for health and social care providers to discriminate against people with disabilities who wish to use their services. This includes failing to make reasonable adjustments and/or offer reasonable ancillary aids and services. These may include the provision of sign language interpreters, hearing loops for people who are D/deaf and producing publications in different formats where needed and where it is reasonable to offer, and the provision of accessible adjustable websites.

Mental health

Many people think a physical or sensory impairment is a disability and a mental impairment is not. If you have a mental health problem, you may be protected by disability discrimination law. If your mental illness has a significant, adverse, and long-term effect on your ability to carry out normal day-to-day activities, it is likely you are protected under disability discrimination law. This includes people who had a disability in the past.

Currently, the law considers the effects of an impairment on the individual. For example, someone with a mild form of depression with minor effects may not be covered. However, someone with severe depression with significant effects on their daily life is likely to be considered as having a disability. There are many different types of mental health conditions which can lead to a disability, including:

- [dementia](#)
- [depression](#)
- [bipolar disorder](#)
- [obsessive compulsive disorder](#)
- [schizophrenia](#)

Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland, as well as giving advice to individuals who feel they may have been discriminated against at work also gives free advice and guidance to employers and service providers on recommended good practice under disability discrimination law.