



Support in employment

“A factsheet like this is really useful, with tips and info about where to go for advice when in or seeking employment. One is often given bits of advice but it can be confusing: having it all in one document is really helpful.

“As a full-time wheelchair user with limited movement in my arms, I found job-hunting difficult. Applying online or through a recruitment agency was fine, but when it came to the interview stage, often the venue would not be accessible or they were reluctant to make reasonable adjustments such as providing a note-taker for me.

“I am a social work graduate and currently work for a specialist school and college. My current employer is supportive and proactive in terms of reasonable adjustments and insuring I am very much part of the team. This is something I haven't always experienced.”

Hannah-Lou Blackall, who has congenital myopathy

Everyone, with the right qualifications and skills, should have the same employment opportunities. With support from schemes such as Access to Work and the Equality Act 2010 legislation, employers now have the responsibility – as equal opportunities employers – to fulfil accessibility requirements for all their staff. As you'll read in this factsheet, there are several things you may need to consider when entering employment, and rights that you should be aware of before you enter the workplace.

Please note that this factsheet relates to the position in England, Scotland and Wales. Many of the underlying principles are the same in Northern Ireland (where the Disability Discrimination Act remains the main piece of legislation rather than the Equality Act 2010), although there may be slight differences. Further information and advice for Northern Ireland is available from the Equality Commission for Northern Ireland. You can find their contact information at the end of this factsheet.

Your rights

Disclosing your disability

It is your choice whether or not you tell your employer about your disability, and when you tell them. It's a personal choice, and there is no specific time that you should disclose, if you choose to do so. Some people choose to mention this on their CV, whereas some may work for the same employer for many years before choosing to disclose. There is no time limit, or right or wrong stage, to disclose your disability.

The only exception to this rule is if your disability puts you or other people at risk of harm. If this is the case, you are required to disclose. For more information on this, contact one of the organisations listed in the below section: advice on your rights.



Your employer is not allowed to ask you about your condition or disability before offering you the job, but can ask if you need any support during the interview. If you have been offered a job, your employer may invite you to disclose if you have a condition or disability. You can choose not to answer this question, unless your condition puts you or others at risk of harm.

If you do disclose your disability, your employer is then under a duty to take reasonable steps to ensure you can carry out the requirements of your job (for further details, see 'what are reasonable adjustments?' below).

Discrimination

Everyone with a disability is legally protected from discrimination by the Equality Act 2010 and the Disability Discrimination Act.

Under these Acts, it's illegal for your employer to discriminate against you in their recruitment and selection processes. You also have the right to a clear discussion about your needs and any adjustments that you need. If it makes it easier, you can ask your consultant, regional care advisor or a healthcare professional to write a letter on your behalf.

These Acts were passed to make sure you are treated fairly and equally in your place of employment. The Equality Act 2010 protects your rights in areas including, but not limited to:

- ▶ application forms
- ▶ the recruitment and interview process
- ▶ aptitude or proficiency tests
- ▶ job offers
- ▶ terms of employment, including pay
- ▶ promotion, transfer and training opportunities
- ▶ dismissal or redundancy
- ▶ discipline and grievances.

It is not the employer's place to make a judgment on whether your disability means you may or may not be able to complete the requirements of your job. In terms of the Equality Act 2010, it's your right to request adjustments where it is reasonable to do so, and to decide whether you're able to fulfil the duties of your role.

Advice on your rights

If you need any advice about employment, please contact the care, information and advocacy team on 0800 652 6352 or info@muscular dystrophyuk.org.

You can contact Disability Rights UK by email or on one of their helplines. Visit their website to find out more: www.disabilityrightsuk.org.



The Equality Advisory and Support Service helpline can advise you on your rights about employment, and many other topics. Find their contact information here:

www.equalityadvisoryservice.com.

The Disability Law service provides free legal advice to people with disabilities, as well as their carers. They can provide advice to anyone in the UK, and can sometimes offer legal representation to people living in London. Visit their website here: www.dls.org.uk/.

What are reasonable adjustments?

Your employers are required, by law, to make 'reasonable adjustments' in your place of employment so that you can continue to do your job in a reasonable and safe manner.

There is no exact list of what constitutes a reasonable adjustment, as this will depend on the type of work you're doing and on your employer's ability to effect these adjustments.

Discuss with your employer what is 'reasonable', but you can consider the following adjustments:

- ▶ allowing you flexible or altered working hours, to help you attend hospital appointments or to allow for increased travelling time
- ▶ allowing you to take regular breaks
- ▶ moving your desk to a more accessible area of the office
- ▶ making simple adaptations to doors and staff-room facilities
- ▶ giving you a workstation assessment to make your workstation more suitable
- ▶ providing a suitable toileting area for registered assistance dogs
- ▶ giving you the option to work from home.

To make these adjustments, your employer may need to arrange for an occupational therapist to assess your needs within the workplace. If you need this to ensure your safety at work and to enable you to do your job, your employer is obliged to arrange this.

Additional sick leave may not fall under the remit of 'reasonable adjustments', even if the reason you are taking leave is directly related to your disclosed disability. Unplanned leave or absence from work may be considered 'reasonable'. This depends on the amount of leave you've been taking, and if you're no longer able to fulfil the obligations of your role because of the amount of time you are taking off work.

Please refer to the 'advice on your rights' section of this factsheet for organisations who can advise you.

The Access to Work scheme

If your employer is not able to make all the adjustments to give you the support you need, you may be able to get help from the Access to Work scheme. This is a government scheme that provides practical advice and support to people with a disability who are seeking or already in employment.



Through the scheme you can also get financial assistance towards equipment or any support you need to do your job that falls outside of the reasonable adjustments your employer is required to make.

Access to Work can cover such things as:

- ▶ special equipment or hardware
- ▶ medication you need at work
- ▶ specific training for colleagues to encourage inclusivity in the workplace (for example, training on how to conduct meetings in a way where a deaf staff member is able to participate).
- ▶ special software needed
- ▶ the cost of a support worker, for a maximum of 20 percent of the total hours you work in a week, to support specific tasks (note-taking, admin tasks, accessing unfamiliar buildings)
- ▶ the cost of changes to the building for your individual needs
- ▶ additional transport costs incurred as a result of your disability.

The Access to Work scheme is available if you are aged 16 or over, living in the UK and have a disability or a long-term health condition. You can apply for support if you:

- ▶ are already in paid employment (employed or self-employed)
- ▶ are about to start a job
- ▶ need help at a job interview
- ▶ are about to start a work experience placement or an internship
- ▶ are on an apprenticeship.

You cannot get help from the Access to Work scheme if you are volunteering or in unpaid work. If you are working, you need to be earning the national minimum wage in order to apply for support from the scheme (unless you are on an apprenticeship).

You also may not be eligible for support if you are receiving Employment and Support Allowance, Income Support or National Insurance Credits. This also includes Incapacity Benefit or Severe Disablement Allowance, which have both been discontinued. If you claim Universal Credit, you should be eligible for help from the Access to Work scheme for any paid work you do.

If you change employers, you can sometimes transfer equipment you have received through the Access to Work scheme to your new workplace. Discuss this directly with the Access to Work team.

Additional resources

To find out more about the Access to Work scheme, or to apply, visit:

www.gov.uk/access-to-work



For information about applying for Access to Work in Northern Ireland, please visit:
www.nidirect.gov.uk/articles/access-work-practical-help-work

For information about your employment rights in Northern Ireland, contact the Equality Commission for Northern Ireland at: www.equalityni.org

To read Trailblazers' *Top tips on access to work and employment*:
www.muscular dystrophyuk.org/app/uploads/2015/04/Trailblazers-top-tips-access-to-work.pdf

Disclaimer

While every reasonable effort is made to ensure that the information in this document is complete, correct and up-to-date, this cannot be guaranteed and Muscular Dystrophy UK shall not be liable whatsoever for any damages incurred as a result of its use. Muscular Dystrophy UK does not necessarily endorse the services provided by the organisations listed in our factsheets.

Here for you

The friendly staff in the care and support team at Muscular Dystrophy UK's London office are available on **0800 652 6352** or **info@muscular dystrophyuk.org** from 8.30am to 6pm, Monday to Friday, to offer free information and emotional support.

If they can't help you, they are more than happy to signpost you to specialist services close to you, or to other people who can help.

www.muscular dystrophyuk.org