

Disability Discrimination Policy

The law relating to disability discrimination is set out in the Equality Act 2010.

Disability is defined in this Act as 'a physical or mental impairment that has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities'. A medical report may be helpful in ascertaining whether an employee/volunteer has a disability within the meaning of the legal definition.

Within this definition a 'long term' effect is an illness or injury that has lasted for 12 months, is likely to last for 12 months or is terminal.

A mental impairment does not have to be one that is specifically diagnosed. The emphasis is on the symptoms, rather than a 'label' that has been applied to the symptoms.

A severe facial disfigurement is a disability.

The Equality Act 2010 does not include a list of 'normal day to day' activities. In determining this it is important to focus on what an employee/volunteer would typically do on a normal daily basis, rather than the specific demands of a job.

Individuals with HIV/Aids, multiple sclerosis or cancer are covered under the definition of disability from the date of their diagnosis, irrespective of the severity of their symptoms.

If an employee/volunteer is disabled there is a requirement to make reasonable adjustments so that the employees/volunteers can work. For example, this could be adjustments to the workplace or type of work.

A job applicant must not be asked questions about health in a job interview unless it is essential to ask those questions because of the type of work that is to be carried out. General medical questionnaires should not be used. If it becomes apparent that an individual is disabled after a job offer has been made, reasonable adjustments should be made to accommodate the disability.

If it is not possible to make reasonable adjustments it might be reasonable to dismiss an existing employee/volunteer or withdraw an offer of employment. However, great care should be taken to ensure that all possible adjustments have been considered and that the right dismissal procedure is followed. Due to the fact that there is no financial limit on the compensation due to an employee/volunteer in disability discrimination claims you are advised to seek advice of an employment solicitor before starting the dismissal process.

Individuals must not be treated less favorably because of their disability. In particular, it is important not to make assumptions about the impact of a disability on what an employee/volunteer can or cannot do.

Individuals must not be penalized for disability in a redundancy selection exercise. This might require some adjustments if attendance is a criteria used for selection. It will be appropriate to exclude absences that are related to a disability from the calculation. Individuals must also not be penalized for their disability when being considered for promotion.

Individuals must not be harassed or victimized on the grounds of their disability.