

# EMPLOYMENT RIGHTS AROUND HEALTH CONDITIONS

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### KEY POINTS

- As a person with a long-term health condition, you have a legal right to be protected from discrimination at work, either by your employer or by colleagues.
- If your health means that you are actually unable to meet the requirements of your job, then your employer can reassign or dismiss you, but must show that they have taken all reasonable steps to make the job accessible first.
- In order to access support with your rights at work, you need to be honest and upfront about your needs, and be able to show that you are making a reasonable effort to meet the requirements set by your employer.
- Your employer has to make reasonable adjustments to help you to work if your health condition is making it difficult. "Reasonable adjustments" is a legal term which covers a wide range of changes to your work environment or terms of employment.
- There are many organisations that can support both you and your employer to find the best adjustments to help you to do your job safely and effectively with a health condition..

**This factsheet contains information on your rights at work when you have a long-term health condition.**

**It also lists some organisations which provide support and personalised information on employment.**

## **What does my employer have to do for me?**

### **Your employer or prospective employer is legally required to:**

- Provide reasonable adjustments to allow you to apply and attend interviews
- Provide reasonable adjustments to allow you to work safely and comfortably once you start your job
- Explain the reasoning behind any adjustments that they are not able to make
- Prevent any workplace abuse or discrimination around your health condition
- Pay you the same rate as if you did not have a health condition
- Allow you to bring someone along to HR meetings (e.g. a carer, family member, or union representative) to ensure you are supported
- Provide a translator if necessary

### **Your employer or prospective employer legally cannot:**

- Refuse to hire you on the grounds of a health condition that does not prevent you from meeting the job description (with reasonable adjustments in place)
- Fire you or make you redundant as a response to you developing a health condition
- Discriminate against you, bully you, or treat you differently as a result of your health condition
- Tell anyone about your health condition without your consent

# What do I have to do for my employer?

## In order to access support at work and have a legal case if it is not provided, you have to:

- Express your needs as clearly as you can
- Ask for any adjustments or accommodations you know are needed
- Make a good-faith attempt to complete your work as fully as possible

## You may have to:

- Provide a doctor's note (you can ask your GP or other health professional to provide this)
- Accept reduced hours or changes in working conditions to allow you to keep working
- Have regular meetings with your manager, HR, or Occupational Health to check in on your accommodations

## Your employer cannot ask you to:

- Share confidential medical details (e.g. conversations with your doctor, medical paperwork which is not addressed to the employer)
- Share more information about your condition than you are comfortable telling them (although they can only make adjustments based on what you do tell them)
- Accept support that does not help, or makes your condition worse, as "good enough"
- Do extra work as a result of your condition

**It is important to keep copies of any paperwork  
- doctor's notes, emails discussing the topic with  
your managers, minutes of any meetings, and so on  
- in case you have to refer back to them later.**

# Reasonable adjustments

**Reasonable adjustments** are the core of your employer's responsibility to you. Your employer has to make any reasonable adjustments to allow you to work safely and comfortably with a long-term health condition. Prospective employers are also required to provide reasonable adjustments to allow you to apply to a job without being disadvantaged by your health condition.

Whether an adjustment is "reasonable" depends on whether it:

- removes or reduces the disadvantage faced by someone with a disability or long-term health condition
- is practical and affordable to make
- could harm the health and safety of others, or disadvantage someone else

If you ask for an adjustment to your working environment and your employer is not able to provide it, you are entitled to an explanation.

Reasonable adjustments might include:

- Changes to your working environment  
e.g. - wheelchair access, accessible parking, work from home, changes to lighting or equipment, providing a hearing loop in meeting rooms.
- Changes to your workload or working hours  
e.g. - reduced hours, flexible working, a change in your duties to prioritise things which you can do without risking your health, time off for doctor's appointments, additional sick leave allowance.
- Providing accessibility aids  
e.g. - screen readers, hearing loops, communication books and other aids, large print documents, ramps or lifts in the office, specialised vehicles if you have to drive for work.
- Assigning someone to help you  
e.g. - a sign language translator, someone to take notes for you in meetings, or sharing your job with someone who is able to do the aspects of your job which are difficult.

**A reasonable adjustment can be any change to how you work which is agreed upon by you and your employer. You have the right to suggest any adjustments which you think will help you to work safely.**

# What support is available?

## Your employer can access support like:

- Funds from the government through the Access to Work programme, to pay for adjustments to your workplace or work environment.
- Information from the Scottish Government website.
- Information from ACAS (the main statutory body which guides workplace policy in the UK)
- Video translators into British Sign Language: **contactscotland-bsl.org**
- The organisations listed at the end of this factsheet.

## You should be able to get support at work from:

- Your workplace's Human Resources department or equivalent.
- Your workplace's Occupational Health department or supplier.
- Your GP or health professional, who can advise you on work adjustments.
- Your trade union - many larger unions have specific disability representatives.
- The Citizen's Advice Bureau/Citizens Advice Scotland and other organisations.



# Organisations that can help

## ACAS

Telephone: **0300 123 1100**

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

An independent, government-backed organisation which offers help with resolving disputes between you and your employer.

## The Health & Safety Executive (HSE)

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

A website providing information and support for employers on managing their employees' health and safety.

## Healthy Working Lives

Website: [www.healthyworkinglives.scot](http://www.healthyworkinglives.scot)

Offers training and support for employers to support workers' health.

## Working Health Services Scotland

Self-refer through: [referrer.salus.co.uk](http://referrer.salus.co.uk)

Provides free, confidential advice and health support for the self-employed and people working in companies with less than 250 employees.

## Equality Act (2010)

[www.gov.uk/guidance/equality-act-2010-guidance](http://www.gov.uk/guidance/equality-act-2010-guidance)

The key piece of legislation defending people against discrimination or harassment based on health and other protected characteristics.

## Citizens Advice Scotland

Telephone: **0800 028 1456**

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

A service which offers advice on your rights and how to support them.

## Disability Information Scotland

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

Information and support on disability and health rights in Scotland.

## Trade Unions

Website: [www.tuc.org.uk/join-a-union](http://www.tuc.org.uk/join-a-union)

Trade unions can support their members in making sure your rights at work are respected. The link above helps non-members to find a suitable trade union to join.

# Checklist for talking to your employer

## Before the meeting

- Know what you want to achieve - reasonable adjustments, permission for medical absences, or just understanding.
- Write down your concerns and anything you want to ask for.
- Collect any medical documentation you think you may need - doctors' notes, appointment letters, or previous occupational health assessments. Make sure you take copies where possible, and keep the originals.
- Contact a union representative, if you are part of a union and feel like you need their support. Agree the role they will take in the meeting - will they offer advice, take notes, or just listen?

## In the meeting

- Try to remain calm, and stick to the core points. Do not get distracted or defensive - if necessary, write a rough script ahead of time to refer back to if the conversation is drifting.
- Remember your rights. See the first page of this factsheet for guidance, and bring it or another summary with you to refer to as needed.
- Make sure you get all decisions and reasonable adjustments **in writing**.
- Ask any questions that you have. It's better to ask a question and feel a little awkward than to not fully know or understand the outcome.
- Set timescales, and agree on what your next steps will be - when do you need to check back in, and when will any reasonable adjustments be made?

## After the meeting

- Check your understanding with any relevant people - your line manager, close colleagues, etc.
- Take some time to recover emotionally. These meetings can be difficult and stressful, so it is important to do something nice for yourself afterwards.

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