



What are reasonable adjustments?

Know your rights if you're a disabled person in the workplace

Any employer or provider of goods and services has a duty to make reasonable adjustments for disabled people.

Who is a disabled person?

Disability is defined by [section 6](#) of the Equality Act 2010 ('the Act'), which states that a person has a disability if:

- They have **a physical or mental impairment**,
 - AND
- That impairment has a **substantial and long-term adverse effect** on that person's ability to **carry out day to day activities**.

What is a physical or mental impairment?

You have an impairment if you have any restriction on your ability to function, either physically or mentally.

It's not necessary for the cause of the impairment to be understood. For example, you could have issues with your memory or back pain that a doctor has yet to find a cause for. It doesn't matter if the cause can't be identified. What matters is that the impairment exists.

Also, the impairment doesn't have to be caused by an illness. An impairment might be caused by medication or other treatment you're having. For example, some forms of medical treatment can affect your mood, or your ability to concentrate. As was said above, the cause is irrelevant: it's the effect that matters.

Be aware that you might need to provide medical evidence of the fact that you have an impairment.



What are substantial effects?

The effects of your impairment must be **'substantial'**. This might mean that you cannot do certain tasks at all. Alternatively, it might mean that you can only do some tasks very slowly, or with difficulty.

Your ability to do day-to-day tasks can be substantially affected by several impairments working together. For example, you might have some minor back pain and some minor leg pain that combine to make it hard to sit down (or stand up) for a long time. Or, you might have autism and ADHD, which combine to make it difficult for you to sit in a room where there are lots of distractions.

For how long do these effects have to last?

These effects must be **'long-term'**. This means they should have lasted for **12 months** or can be expected to last for at least 12 months. An impairment doesn't have to be permanent, as long as it's long-term.

For example, you might have a back condition that lasts for more than 12 months but is then fixed by an operation. You will stop having a disability once the impairment disappears, but as long as it is likely to last (or has lasted) for more than 12 months, it will be considered a disability under the Act.

This means that very short-term conditions don't receive the protection of the Act. For example, if you break both your legs, but the diagnosis is that you will be walking pain-free in 9 months time, then you will clearly have an impairment that has substantial and adverse effects, but it will not be long-term enough to amount to a disability.

What does my ability to carry out day to day activities include?

The effect of your impairment is on your ability to carry out day to day activities. The key thing to remember is that **you don't have a disability just because you have an impairment that means you can't do your job**. When thinking about everyday activities, just think about what you do in a usual day: driving the car, walking, sitting, standing, cooking, planning activities...etc.

For example, a brain surgeon could have a very minor hand tremor that doesn't affect their ability to do general daily tasks like writing or handling objects, but which means they cannot perform brain surgery any more. This would not amount to a disability, even though it would make them unable to do your job.

How do I know if I have a disability?



There is usually no science in determining if somebody does or doesn't have a disability. With only a few exceptions (such as cancer, blindness, or severe facial disfigurement), it's important to remember that **the focus is on the effects of your condition** rather than on its medical label.

For example, some people with diabetes will be disabled, but some will not. Some autistic people will have a disability, but others might not. The same can be said for most types of impairment.

Being on a disability-related benefit such as PIP is **not sufficient** to establish that you have a disability. You must show you have the impairment and that it has the necessary effects.

If there is any doubt about whether or not your impairments amount to a disability (or your employer disputes that you have a disability), **get legal advice**.

What is the duty to make reasonable adjustments?

The Equality Act attempts to offer protection to disabled people from various types of discrimination, and from harassment, in the same way it protects people treated badly because of their race, sex, age and other protected characteristics.

However, [section 20](#) of the Equality Act offers an additional protection for disabled people in employment, which is called a duty to make reasonable adjustments.

What is included in the duty to make reasonable adjustments?

The Act creates three duties, which are usually referred to as coming within the duty to make reasonable adjustments:

1. Take steps to avoid a disadvantage if a **'provision, criterion or practice'** puts a disabled person at a 'substantial disadvantage' compared to non-disabled people. 'Provision, criterion or practice' essentially means rules and ways of doing things. For example, this could be:
 - (a) A rule that means that sickness absence be taken into account when deciding on pay rises or promotions.
 - (b) A requirement that everybody applying for a promotion complete a written test in a certain timeframe, where the person has an impairment that means they would need extra time.
 - (c) A policy or rule that means people can only take breaks at specific times, or for specific lengths of time, or sets a limit on the number of toilet/rest breaks.



- (d) A rule that people in the office must not wear headphones whilst in the office.
2. Take reasonable steps if a **physical feature** puts a disabled person at a 'substantial disadvantage' in relation to a relevant matter, compared to persons who are not disabled, to avoid the disadvantage. Physical feature has a wide meaning. Examples of adjustments of this type would be:
- (a) Allowing a person to face a wall or sit in a corner where an impairment would make sitting in an open plan office difficult.
 - (b) Altering the lighting, heating or ventilation where it puts a person at a disadvantage.
 - (c) Providing ramps or lifts.
 - (d) Providing accessible toilets, or allowing someone to use the nearest toilet, even when that might otherwise be reserved for people of a different gender.
3. Provide an **'auxiliary aid'** if a disabled person would be put at a substantial disadvantage without that aid. An aid can be an object, type of technology or even another person. For example:
- (a) A screen reader for those with a visual impairment.
 - (b) A BSL interpreter.
 - (c) An audio induction loop.
 - (d) Providing a certain type of chair so a person can more easily work at their desk.
 - (e) Providing another member of staff either permanently or on an ad hoc basis to guide a person, carry items for them, or provide other types of assistance.

What is meant by 'reasonable' adjustments?

An employer's duty is **only** to make 'reasonable' adjustments. They **don't** have to make any adjustment that you need, no matter how possible or costly it is.

What is reasonable will **depend** on the specific circumstances of your employer. This will include their size and resources, and the impact the adjustment might have on the employer's ability to fulfil its functions.

If the adjustment has no (or a very low) monetary cost and would have minimal impact on the employer's operations, usually the adjustment would be



reasonable. The bigger the employer, and the more people and money it has, the more likely an adjustment is to be reasonable.

Should I ask for reasonable adjustments?

An employer shouldn't wait for you to ask for adjustments, but should make them without being asked.

But, when you ask for an adjustment, be as **specific as possible** about what you want the employer to do and show **why the adjustment is needed**.

Also, try and predict what their objections might be, so you can show why your adjustment is not unreasonable. Asking for reasonable adjustments might mean talking about things that are uncomfortable, such as your toilet needs.

When can an employer refuse to give me adjustments?

An employer can refuse to make the adjustments asked for because they're not reasonable. Examples of employers' reasons for refusing an adjustment as unreasonable are:

- It would be too expensive: this depends on how much the adjustment will cost and how big the employer is.
- The building simply can't be adapted in the way you ask because of its physical features.
- The building can't be adapted in the way you ask because it would cause disruption (for example, where a person needs to work in a particular type of space or at a particular time, but this would mean moving other workers around).
- The human resources don't allow for it: for example, when a worker requires more breaks, shorter shifts or shifts at particular times of day.
- That there is a legal or health and safety reason preventing them from making the adjustment.

It's important to make sure that the employer give you **clear reasons** if they say no, or they offer an adjustment that is less than what you're asking for.

What happens if an employer doesn't fulfil their duty to make reasonable adjustments?

The duty to make reasonable adjustments is a **legal obligation**. A failure to make a reasonable adjustment constitutes **disability discrimination and is unlawful**.

You can bring a claim in the Employment Tribunal for failures to make reasonable adjustments and you don't have to leave your employment to do so. But – you only have a **very limited amount of time** in which to bring legal claims for



discrimination, so if an employer is refusing to make an adjustment, you should **seek legal advice as soon as you can.**

Further information & resources

We have more resources on reasonable adjustments. Please see our resources here:

https://www.toynbeehall.org.uk/know-your-rights/?_resource_category=employment

Resources and guides on reasonable adjustments by Scope here:

<https://www.scope.org.uk/advice-and-support/reasonable-adjustments-at-work/>

Organisations

Disability Law Service provides legal advice and representation on disability rights: <https://dls.org.uk/>

Disability Rights UK provides advice and carries out policy campaigns:

<https://www.disabilityrightsuk.org/about-us>

Toynbee Hall's Free Legal Advice Centre

If you need free one-off legal advice, you can fill in this form by Free Legal Advice Centre (FLAC) of Toynbee Hall:

<https://www.toynbeehall.org.uk/free-advice/legal-advice/#online-flac-ia-form>
or you can email FLAC here: flac@toynbeehall.org.uk

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