

### **Help in the Workplace (Disability Discrimination Act 1995).**

The Disability Discrimination Act (DDA) prohibits discrimination against disabled people in employment. Employers must make reasonable adjustment to their premises or employment arrangements, if these substantially disadvantage a disabled employee, or prospective employee, compared to a non-disabled person.

An employer must not refuse to employ someone simply because they have a disability. They also have a duty to think about different ways of working.

From October 2004 the act will include the previously excluded police, prison officers, fire fighters or people who work on board ships, aircraft or hovercraft. However, the Act will still not apply to the armed forces.

Employers must not discriminate against a disabled person in  
the recruitment and retention of employees,  
promotion and transfers,  
training and development,  
the dismissal process.

#### **1. Severe dyslexia is covered under the law.**

The DDA defines a disabled person as someone with "a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities."

Dyslexia does not always affect a person's ability to carry out normal day to day activities. Dyslexic people can often reduce the effect of their disability if they are able to do things their way. However, if they cannot do this for any reason the effects can be disabling. When the Bill was being debated in parliament, the government made it clear that they thought severe dyslexia was covered under this law.

"In some cases, people have 'coping strategies' which cease to work in certain circumstances (for example, where someone who stutters or has dyslexia is placed under stress). If it is possible that a person's ability to manage the effects of the impairment will break down so that these effects will sometimes occur, this possibility must be taken into account when assessing the effects of the impairment. "

[Paragraph A8, Guidance to the Definitions of Disability]

#### **2. Making reasonable adjustments in the workplace.**

The BDA works to increase awareness of dyslexia amongst employers. As 10% of the workforce may be dyslexic, a vast amount of talent may be going to waste.

Adjustments for dyslexic people can be simple and inexpensive. They may also be a benefit to other employees. A willingness to be flexible is the most important thing.

For adjustments to be made, the employee needs to disclose details of their difficulties.

Dyslexic people will want their employer to understand their dyslexia so they can feel confident about discussing any difficulties that arise. If you think you may be dyslexic but have had no formal assessment.

I think I might be dyslexic.

#### **3. Enforcement of the Act.**

If a person with a disability feels they have been discriminated against they may want to take their case to an Employment Tribunal. If they win the case, they may be able to claim for financial loss and damages for injuries to feelings. The Tribunal may instruct the employer to make a reasonable adjustment to enable the dyslexic person to work.

Form IT1 is available from Employment Service offices (benefit offices and job centres) and the Citizens Advice Bureau. The form includes space to describe the complaint.

The form must be sent to the appropriate Tribunal office. They will register the case and send a copy of the form to the employer and ACAS. The employer should reply within 21 days. Then the Tribunal office will arrange a hearing.

**Time Limit.** Proceedings under the DDA must be started within three months of the alleged act of discrimination. **The Cost.** Legal aid is not available to pay for representation at the Industrial Tribunal. Individuals can receive advice and help in preparing their case from solicitors paid for by the Legal Aid Board, but only if they fall within certain tight financial limits. Trade unions may be able to give advice to their members.

#### **4. Organisations that provide help and advice.**

ACAS (Advisory, Conciliation and Arbitration Services) is a government agency. It will provide free initial advice on an employment query, and try to negotiate a settlement. A copy of any complaint lodged with a tribunal will be sent automatically to an ACAS conciliation officer. If conciliation is successful, the parties will reach an agreement, which will normally be recorded in writing. Ask for your regional centre. Tel: 020 7396 5100

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

The Citizens Advice Bureau can help you negotiate with an employer and may in some cases be able to represent you at a hearing. Check your local phone book for details.

The Disability Law Service provides free legal advice to disabled people and representation where appropriate.

Tel: 020 7791 9800 Fax: 020 7791 9802 Email: [advice@dls.org.uk](mailto:advice@dls.org.uk)

Employers Forum on Disability.

Tel: 020 7403 3020 Fax: 020 7403 0404

Email: [efd@employers-forum.co.uk](mailto:efd@employers-forum.co.uk) Web: [www.employers-forum.co.uk](http://www.employers-forum.co.uk)

Employment Tribunal has a National Helpline number.

Tel: 08457 959 775 Fax: 01284 766 334 Web: [www.ets.gov.uk](http://www.ets.gov.uk)

Local Law Centres may provide you with free advice and representation. Contact the head office to locate the one nearest you:

Law Centres Federation Tel: 020 7387 8570 Fax: 020 7387 8368

Email: [info@lawcentres.org.uk](mailto:info@lawcentres.org.uk) Web: [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

RADAR is able to give advice on the Act

Tel: 020 7250 3222 Fax: 020 7250 0212

Email: [radar@radar.org.uk](mailto:radar@radar.org.uk) Web: [www.radar.org.uk](http://www.radar.org.uk)

RBLI (Royal British Legion Industries) Employment Service aims to provide employment and training for people with disabilities, regardless of whether or not they have come from an ex-Service background.

Web: [www.rbli.co.uk/rbli/index2.cfm](http://www.rbli.co.uk/rbli/index2.cfm)

Access to Work provides advice and practical support to disabled employees to overcome difficulties.

Web: [www.jobcentreplus.gov.uk/cms.asp](http://www.jobcentreplus.gov.uk/cms.asp)

Remploy Interwork aim to expand employment opportunities for disabled people. Tel:

0845 845 2244 Email: [interwork.osc@remploy.co.uk](mailto:interwork.osc@remploy.co.uk) Web: [www.remploy.co.uk](http://www.remploy.co.uk)