

Reasonable Adjustments for Disabilities - a Guide for Employers

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In association with



Summary and Acknowledgements

A 'reasonable adjustment' in equality law is some kind of change that removes or reduces the effect of a person's disability and helps them to do their job or, in the case of applicants, apply for a job or meet certain criteria.

This guide to reasonable adjustments has been developed with employers in mind, to help bring guidance and resources for the making of adjustments for disabled applicants and employees into one user-friendly publication. A review of approximately 250 cases before the NI and GB tribunals and courts which featured reasonable adjustments was undertaken to analyse what the various fora deemed to be 'reasonable' adjustments.

We also added in numerous other suggestions of reasonable adjustments to highlight that most of them are actually free or relatively inexpensive. Employers should not be scared of employing disabled people – as this guide shows, it generally doesn't take very many resources to support disabled employees so that they can work effectively and efficiently.

In [Part 1](#) of the guide Adam Brett provides a short introduction to the legal position and some of the factors for consideration when considering what adjustments to make.

[Part 2](#) of the guide is a case review of the many different types of adjustments, from acquiring or modifying equipment through to adjustment of procedures, e.g. discounting certain absences or varying start and finish times.

[Part 3](#) of the guide contains two tables summarising various types of adjustments that could be made for both mental health conditions and physical conditions. These tables highlight adjustments that the tribunals/courts have deemed reasonable and also include some additional suggestions and supporting documents and sources of further information.

[Part 4](#) of the guide contains a number of helpful appendices, including a sample [Review Meeting Checklist](#) which we hope you may find helpful in preparation for and during meetings. It also contains a list of [useful publications](#) and a [directory](#) of charities and other organisations in NI that can provide support for employers to enable them to make adjustments for applicants and employees. [Appendix 2](#) has a couple of exercises that are designed to help you get the most out of this guide.

This guide has been a collaborative effort between **Rolanda Markey** (formerly from Legal Island), **Adam Brett** from Lewis Silkin, and **Teresa O'Neill**, HR Consultant. It would not have been possible without the contribution from a number of others to help pull together the case law decisions into a workable document, including **Clare Marley** (formerly of Legal Island), **Joanna Mackey and Nadine Horgan** (Lewis Silkin), **Silvia Martins** (QUB Law Student), **Jack Morgan and Maria Therese McCann** (UU Students). We are grateful for the contributions made by all to help create what we hope is a one-stop guide to making reasonable adjustments in the workplace.

We would ask that you circulate this guide to your colleagues and peers, external organisations, trade unions, HR groups, community organisations, academics – basically anyone who might employ or represent disabled people or just be interested in equality issues.

Finally, this guide is not meant as the last word on disability and reasonable adjustments and legal advice should always be sought in specific cases. The guide could doubtless be improved, despite our best efforts to make it as comprehensive as possible. If you have any thoughts on how it could be improved, please contact Christine@legal-island.com.

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Part 1 – Introduction and Legal Context

This Guide is intended to help, explain and demonstrate the sorts of reasonable adjustments that you may need to consider in your workplace. It also aims to help with examples of adjustments, and an explanation as to how to review them. Finally, there is a list of some organisations that may be able to help you.

Making reasonable adjustments is not just a legal duty as set out in the Disability Discrimination Act 1995 (DDA). Often it will help you save money and retain trained and dedicated staff.

1.1 The Legal Requirement for Employers to Consider Adjustments

[Article 4A](#) of the Disability Discrimination Act sets out the legislative requirement for employers to make reasonable adjustments to facilitate the employment of a disabled person and states:

4A Employers: duty to make adjustments

(1) Where –

(a) a provision, criterion or practice applied by or on behalf of an employer, or

(b) any physical feature of premises occupied by the employer,

places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.

[Article 4A \(3\)](#) states that:

(3) Nothing in this section imposes any duty on an employer in relation to a disabled person if the employer does not know, and could not reasonably be expected to know –

(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the employment; or

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).

There is no duty if the employer does not know, and could not reasonably be expected to know, that the employee was disabled. However, this does not mean that because the employee has not told the employer formally of a disability there is no knowledge. Some managers may know, and in some cases behaviour/absence records may mean the employer should have enquired. Once an employer knows, or could reasonably be expected to know, the obligation to consider reasonable adjustments is triggered, and the employer should consider this even if it has not been raised by the employee. Of course, if the employer proposes an adjustment and the employee does not agree then in most circumstances it will be harder for the employee to argue later that the adjustment should have been made.

1.2 What Is A Disability?

For the purposes of the Disability Discrimination Act a disability is a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

There are several parts to this-

- ✓ Physical or mental impairment;
- ✓ A substantial effect;
- ✓ A long-term adverse effect;
- ✓ Adverse effect on ability to carry out day-to-day activities.

Many Tribunal claims deal in detail with one or more parts of this definition, because a Tribunal has to consider all of these in order to decide if the person is disabled. However, in practice the position is not as straightforward as it can appear later with hindsight. An impairment which does not currently meet all the criteria can as it develops come to meet the criteria. If there is any doubt about the situation employers would be wise to explore further, or to operate on the assumption that the impairment is, or may shortly come to be, a disability. The definition of disability is contained within [Sections 1 and 2](#), the Schedule to the Act and the [Disability Discrimination Act \(Meaning of Disability\) Regulations 1996](#). [Section 1](#) states that

1 Meaning of "disability" and "disabled person".

(1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act and Part III of the 2005 Order] if he has 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.

(2) In this Act [Part III of the 2005 Order]"disabled person" means a person who has a disability.]

1.3 Meaning of "Reasonable"

There is no simple definition of what is reasonable. Indeed, under [section 18\(b\)](#), this is likely to vary taking into account, the size, finances and resources of the employer. Broadly, it is likely that a large employer such as a major bank or supermarket will be expected to put more time and resources into making adjustments than a small corner shop with only a handful of employees. Much will depend on the nature of the adjustment being considered. Many adjustments cost nothing, or very little. Financial or other help may be available from [Access to Work NI](#).

1.4 Meaning of "Adjustment"

There is a very wide range of possible adjustments, as we will demonstrate later, and it would not be possible to write a complete list. In any event, the disability/impairment can vary widely, with differing degrees of severity, and what is appropriate for one employee may not be appropriate for another-for example because their condition has become more serious.

It is worth remembering that the purpose of the adjustment is to assist the employee in remaining in work. If it will not have the effect of enabling the employee to remain at/resume work, then it is probably not reasonable.

1.5 Types of Disability

Again, there is no complete list of disabilities, although [Schedule 1](#) lists some, including some progressive illnesses which are treated as a disability once diagnosed even if there is no current adverse effect. This includes conditions such as cancer, MS, HIV. Often, where there is a clear medical diagnosis then this may be straightforward. However, in some cases, especially involving mental health disabilities, the position may not be obvious. Sometimes, particularly with some mental health issues, the employee may not recognize or accept that they have a disability, and this can present extra challenges for the employer.

1.6 Occupational Health and Other Support

Where the position is not clear the employer may wish to obtain (provided the employee agrees) a medical report to assist in considering reasonable adjustments. Sometimes, where the employee is getting regular treatment this can come from the Employee's G.P. or Consultant. However, it is often better to obtain a report from an Occupational Health doctor, who will be used to assessing what adjustments in the workplace might be helpful.

1.7 A Process - Not A One-Off

Sometimes managers just want to deal with what they see as a problem and having found a "solution" move on. However, in many cases, for example where the employee has a condition that is gradually deteriorating, it will be important for the employer to keep the situation under review. There may need to be changes to the adjustments to reflect the changes in condition and assist the employee to stay at work.

1.8 Meetings and Process

It is important that when considering reasonable adjustments, you take into account what the employee is saying. You should discuss with the employee any information/suggestions that have been made by Occupational health doctor, or by the employee's G.P./Consultant. The employee should feel that you have at least listened and taken their comments into account. This does not mean that you have to agree with what the employee proposes. There are many reasons why it may be impracticable or unreasonable. You should explain clearly why you do not consider a suggested adjustment to be reasonable and be prepared to consider/suggest alternatives that might work.

It will often be sensible to offer a follow-up meeting, to check that the adjustments have been made, see how they are working and if any change is required.

Normally such meetings are neither disciplinary or grievance meetings, and strictly the employee is not entitled in law to be accompanied. However, it will often be extremely useful for the employer if the

employee is accompanied. This is especially the case where there may be communication difficulties. A reasonable adjustment may include allowing someone with a disability, especially if it affects communication/comprehension, to be accompanied by, for example, a family member rather than a union official or work colleague. It can also sometimes be sensible to agree to meet off-site.

1.9 Paperwork

It is important to keep a note of any meetings to discuss reasonable adjustments, including in particular what is proposed, by you as employer or by the employee, why suggestions are turned down, and what has been agreed. This may be important evidence later. You should remember that much of the information may be special category data, which needs to be protected, and with confidentiality preserved. See the meeting checklist at [Appendix 1](#). This is not a complete list of questions, which will depend upon the circumstances, but the headings may help you with both structure and recording the outcome of the meeting.

1.10 Confidentiality

While some disabilities are obvious, other may have no visible signs. Often an employee may not want colleagues to know that they have a disability, especially if it involves mental health, or that there are reasonable adjustments in place. This can present particular problems if colleagues see adjustments, for example about workload, or hours of work without knowing the reason. It can be important to discuss with the employee what is to be said to other employees. Sometimes employees do not want even line managers to know the position, and you may need to point out that managers need some information if they are to apply the reasonable adjustments properly. It is also important to remember that at least some of the data is likely to be special category data under GDPR, which should be kept confidential as far as possible. Sometimes line managers need to be told about the adjustments, but generally they should not be shown/given copies of medical/Occupational health reports or given medical details. Clearly it is likely to be easier to manage if the employee agrees that some specific information should be given, but you should not normally insist on this.

1.11 Recruitment Processes

The obligation to make reasonable adjustments extends to the recruitment process. It is important to give applicants an opportunity to explain what disability they may have, and then what adjustments may be necessary. A significant body of case-law covers changes in tests, interviews, assessments etc. as reasonable adjustments. Examples of this are set out at [2.2 below](#).

Above all, it is important that throughout all dealings the employer shows a positive attitude. Tribunals pick up where managers feel the employee is a “problem” and this can affect their attitude towards the reasonableness of the employer in its dealings and decisions.

Part 2- Types of adjustment

In completing the review of case law on what has been deemed to amount to a reasonable adjustment the following categories of adjustment (see below) were used to help differentiate between the cases.

- Acquiring/Modifying Equipment
- Adjusting workplace procedures
- Adjustment testing/assessment procedures
- Adjustments to Premises
- Altering Hours of Work
- Change of Location (inc. new site)
- Change of Role
- Providing Additional Training
- Providing Information in Accessible Formats
- Reallocation of Responsibilities/Duties
- Third Party Assistance
- Time off (for treatment, rehabilitation etc)
- Other

During this part of the publication we set out some examples of the types of adjustments made in each of the above areas that were viewed by the courts as reasonable. It is important to remember that many cases do not reach the courts and the examples in this section do not include all potential adjustments that could be viewed as reasonable. In [Part 3](#) we have set out lists of examples of the types of adjustments that could be made for [mental health](#) and [physical](#) conditions.

2.1 Acquiring or Modifying Equipment

A number of the cases analysed mentioned the acquisition or modification of equipment as an adjustment sought. Most commonly this involved the use of specialised software or ergonomic desks/chairs. In the majority of cases the courts found these to amount to reasonable adjustments and in cases which were not upheld by claimants this was primarily due to the fact that the adjustments sought were such that they would not have enabled the Claimant to return to work.

Some examples arising in this category of adjustment include:

- **Adjustments to Work Station** - including provision of an ergonomic desk and chair - *AB v Royal Bank of Scotland* [2019] UKEAT/0266/18/DA UKEAT/0187/18/DA, *Child Support Agency (Dudley) v. Truman* [2009] UKEAT 0293_08_0502 and *Katherine Rose Henning v Hampshire Hospitals NHS Foundation Trust* [201] 1400904/2017, *Lynda Walker v Modular Office & Storage Systems Limited* UKET 2501023/2019.
- **Computer Software** – voice technology software; magnification software to enhance text size and screen reader, braille display and speech synthesiser were found to amount to reasonable adjustments - *Loughran v Department for Communities* [2018] 01198/16IT.

2.2 Adjusting Testing and Assessment Procedures

Many employers will be aware of the need to make adjustments for applicants who are applying for posts or internal transfer and a number of cases have highlighted what can be seen as reasonable adjustments to testing and assessment procedures. These include:

- **Completion of paper/oral test rather than online tests** – this has often arisen in cases of Claimants who have Dyslexia or Asperger’s Syndrome for whom written online tests can be problematic. The courts have found that such an adjustment (written or oral testing) would amount to a reasonable adjustment - *Government Legal Service v Brookes* [2017] UKEAT/0302/16/RN, *Bid v KPMG LLP* 1300313/09, *Christian Mallon v Aecom Limited* UKEAT/0175/20/LA .

In *Kevin Owen Meier v British Telecommunications Plc* [2019] NICA 43 the NI Court of Appeal upheld the Employment Tribunal decision that the Claimant had been discriminated against in the reliance on a **Situational Strengths test** which was completed online and which the Claimant argued put disabled Claimants such as himself at a disadvantage by the nature of the test and subsequent reliance on it to enable him to progress to the next stage of the recruitment process. The Industrial Tribunal found that a reasonable adjustment would have been to remove the requirement for the Claimant to undertake the test, or that if he did the score would not count against him.

- **Additional time to complete aptitude tests and reports** was also found to be a reasonable adjustment - *Arthur v Northern Ireland Housing Executive & Anor* [2007] NICA 25, *Mr Richard Craig v The Management Committee of Assistance Dogs Northern Ireland* NIIT 22359/19.
- **Seeking OH assessment** – prior to withdrawing a job offer, the Respondent should have sought a more detailed OH assessment – *Morgan v Northamptonshire Teaching Primary Care Trust* 1201412/09.
- **Waiving recruitment requirements** has arisen in a number of cases and for the most part the Courts have found that a reasonable adjustment could include the removal of a requirement for the Claimant to undergo a competitive process. Perhaps the best example of this is in the case of *Archibald v Fife Council* [2004] UKHL 32, in which the House of Lords held that the positive duty to make reasonable adjustments may extend to positively discriminating in favour of disabled people. This was also confirmed in other cases, albeit at the Employment Tribunal level *Waddingham v NHS Business Services Authority* [2015] 1804896/13 and *Wilebore v Cable and Wireless Worldwide Services Ltd* 3304124/10.

However, that is not to say that waving a competitive process is appropriate or reasonable in all cases and in *Wade v Sheffield Hallam University* [2013] UKEAT/0194/12 the Employment Appeal Tribunal held that the adjustment sought was not reasonable as it was tantamount to appointing her to a role for which she did not meet the requirements. In *Alexandra Maree Workman v Belfast City Council* [2011] 371/11IT the Industrial Tribunal held that the Claimant had not satisfied the Court that her disability impinged on her ability to go through a recruitment process involving an interview; and the adjustment sought (waiving the recruitment process) was not reasonable.

2.3 Adjusting Premises

Common issues relating to premises in cases that have been taken to tribunal were minor in that they did not require major adjustments to premises. Examples of the type of adjustments that have arisen in cases before the courts include:

- **Adjustments to lighting to facilitate visual impairments** – *Angela McCracken v Northern Health and Social Care Trust* [2013] 806/12IT and 1726/12IT.
- **Use of partitions to reduce background noise and assist Claimant with vocal nodes** – *SCA Packaging v Boyle* [2009] UKHL 3].
- **Provision of Insulin storage facility** – *Gavin Smith v Wrightbus Ltd* [2018] 01668/07IT; 01812/07IT; 00021/08IT.
- **Provision of a dedicated parking space** – *Linsley v Commissioners for Her Majesty's Revenue and Customs (HMRC)*, [2019] UKEAT/0150/18/JOJ and *Cheryl Suzanne Campbell v Department of Justice, Derek Kennedy, Dermott Fullerton, Wendy Long* 1170/15IT; 2197/15IT.

2.4 Adjusting hours of work

A common consideration (and best practice) for facilitating employees returning from a period of ill health including those for whom the illness amounts to a disability is to offer a phased return. For many disabled employees, a return to their normal working pattern may no longer be feasible. Some common themes arising from the cases include:

- **Reducing hours of work** – *Gary Wilson v Robinson Services Ltd* [2018] 4837/17IT; *Anoshi Chipawa v Armstrong Care Services Limited* [2012] 1764/11IT; *Mid Staffordshire General Hospitals NHS Trust v Cambridge* [2003] UKEAT 0755_02_1403; *Wilding v British Telecommunications plc* [2002] EWCA Civ 349, *M Byrne v Aware Defeat Depression Limited NIIT* [2021] 108/20.
- **Providing phased return to work** – *Fareham College Corporation v Walters* [2009] UKEAT 0396/08/1405.
- **Change of Shift Pattern** – *Daniel and ors v All Security Ltd* [2012] 3301509/12, [Ms A Verboort and others v Arriva London North Ltd and London Sovereign Ltd ET 3335108/18](#).
- **Change to start/finish times** – *Caen v RBS Insurance Services Ltd* 1801133/09; *Morton v Dept for Communities and 2 others* [2019] 7792/18IT. However, in *Morton v Dept for Communities and others* 7792/18IT the Industrial Tribunal held that a request to work five days a week from 9.30am was not reasonable given the business need but the employer's offer to work three days a week from 9.30am was a significant adjustment. See *Gail Morton v Department for Communities* 7792/18

2.5 Change of location

For many of us working from home for some or part of the week is a desirable option. For some of the disabled Claimants in this analysis working closer to or at home would help them fulfil their employment contract. The recent Covid-19 pandemic has provided many employees with an opportunity to work

from home and perhaps provided the opportunity for this to be trialled in situations where it might not normally be considered. It is worth noting that while a change of location is seen in many cases as a reasonable adjustment – payment of additional traveling expenses in relation to the move may not be – *James Hann v Royal Mail Group Ltd* 1043/08IT. Some examples arising:

- **Move to site closer to home** – *Kennedy v Department for Social Development* [2014] 00945/13IT and *O'Neill v Department for Social Development* [2012] 1922/11IT.
- **Working from home** – *Eagle Place Services LTD and others v. Rudd* [2009] UKEAT 0497/08/2509; *David Moore v Avis Beattie and Department of Justice* [2011] 1905/10IT.
- **Change of location with more appropriate facilities** – *Johnston Shaw v Queen's University Belfast* [2008] 1403/07IT, *Ms K Tasker v Jameson Carter Ltd* [2019] 3324776/2019.
- **Change of location due to environmental factors** - *Cruickshank v. Vaw Motorcast Ltd* [2001] UKEAT 645/00/2510.

2.6 Change of Role including Reallocation of Duties/Responsibilities

Cases arising in this area tend to focus on either redeployment of the disabled Claimant to a completely new role or a variation in the duties carried out, e.g. a move towards lighter duties. Some examples arising:

- **Lighter/alternative duties sought** – *McGrath v Gerard Presley t/a GMK Contractors* [2012] 02980/11IT; *Al Jumard v. Clywd Leisure LTD and others* [2008] UKEAT 0334_07_2101; *Gael Mejury v Dr K E Clarke and others t/a Carryduff Surgery and Peninsula Business Services* [2013] Ltd 271/12IT; 767/12IT; 1262/12IT; 1549/12IT; *Ishaq v Royal Mail Group Ltd* [2016] UKEAT/0156/16/RN.
- **Consideration of alternative role** – *Celia Luisa Pereira Da Costa v Summer Garden Salads Limited* [2018] 07324/17IT; *Kent County Council v Mingo* [1999] UKEAT 1097/98/1709; *McElveen v Chief Constable of the Police* [2018] 04109/17IT; *Renwick v Royal Mail Group* 2202178/15; *Holdsworth v Right Price Carpets* [2008] 1928/07IT; *Abertawe Bro Morgannwg University Local Health Board v Morgan* [2018] EWCA Civ 640, *XXXX v HR Rail SA*, [2022], C-485/20, *Mrs R Davies v Herefordshire Council, Riverside Primary School* 1305815/20 & 1310216/20.

2.7 Providing Additional Training

In a few cases the provision of additional training to help Claimants cope with changes to their role or new technology was sought and found to be a reasonable adjustment, e.g. *Frances Neeson v Department for Social Development* [2005] 2787/02IT; *Halliwell v P W Greenhalgh* 2406107/06; *Simpson v West Lothian Council* [2004] UKEAT/0049/04; *Williams v J Walter Thompson Group LTD* [2005] EWCA Civ 133.

2.8 Providing Information in Accessible Formats

While this did not come up in many cases one case of note was a disabled Claimant with Autism who had sought that work instructions were provided in a clear and concise manner – *Forsyth v Harris t/a The Sportsman* 1100006/10.

2.9 Third Party Assistance

The engagement of third parties to help assist disabled Claimants is beneficial for employers in helping to understand clearly what adjustments would help facilitate the continued employment of a disabled employee. Some examples of third-party assistance include:

- **Engagement of mental health charity** – *Marchant v FC Brown (Steel Equipment) Ltd t/a Bisley Office Equipment* 2300633/09; *Newsome v Carl Williams t/a CW Accounting* 2508895/08.
- **Access to third party counselling and psychiatric services** – *Croft Vets Ltd and Others v Butcher* [2013] UKEAT/0430/12/LA.
- **Provision of a mentor** – *Bowerman v B&Q plc and Ors* [2005] 1400375/05.
- **Use of Mediator** – *Lynn Sheridan and Thomas Dalzell Sheridan v Peninsula Business Services Ltd & B Stern-Gillet* [2018] 2310/16IT, 2311/16IT and 2813/17IT.
- **Provision of a Sign Language Interpreter** – *McCormick v Boxmore Plastics Ltd* [2002] 417/99FET; 04263/99D; 04264/99UD; 04265/99BC.
- **Contact a University Tutor/Medical adviser** – *Jennifer Johnston v Royal Group of Hospitals and Dental Hospitals Health & Social Care Trust* [2007] 851/06IT; *Andrew Munn v Chemtest Ireland Ltd* [2015] 1731/14IT.

2.10 Adjusting Workplace Procedures

One of the most common areas for adjustment that arises in cases is adjustments to workplace procedures to facilitate the continued employment of a disabled employee. By far the most common themes arising in this area are adjustments to absence management procedures and disciplinary procedures. Some examples:

- **Adjustment to trigger points in absence management procedure** – some cases have found that a reasonable adjustment could include adjustments to the trigger points for disability related absence – *Palmer v The Social Security Agency* [2008] 00131/07IT and *Ward v Northumberland Tyne & Wear NHS Foundation Trust* [2019] UKEAT/0249/18/DA UKEAT/0013/1. See also *Rebecca Downie v Department for Social Development and others* [2015] 01050/14IT.
- **Discounting disability related absence** – While a number of cases have found adjustments to trigger points reasonable, a number of cases have also confirmed that it would not be a reasonable adjustment to discount all disability related absences - *Tony Browne v Western Health and Social Care Trust* [2019] 10254/18IT, *Martin Burns v Department of Social*

Development, Social Security Agency and G Johnston [2011] 02606/00IT, General Dynamics Information Technology LTD v. Carranza [2014] UKEAT0107/14/KN, Ware –v- British Gas Trading [2011] 1606202/2010 and Bray v London Borough of Camden [2002] UKEAT1162/01. Removal of a disciplinary warning for disability related absence was also found to be a reasonable adjustment in *Rebecca Downie v Department for Social Development [2015] 01050/14IT*.

- **Adjustments to disciplinary/grievance procedures** – adjustments found to be reasonable include:
 - extending the right to be accompanied at a disciplinary hearing to a family member or disability adviser – *Aaron Foster v Wrights Accident Repair Centre Ltd [2019] 01129/19IT and Martin Geddis v Sandycove Holiday Homes Ltd and William McCombe [2011] 2848/10IT*;
 - adjustments to the manner in which the disciplinary process was conducted to reduce the stress on disabled Claimants - *P (Appellant) v Commissioner of Police of the Metropolis (Respondent) [2017] UKSC 65 and Lawrence v. HM Prison Service [2007] UKEAT 0630_06_2603*;
 - Use of mediation as alternative to formal grievance procedure – *Robinson v Mind Monmouthshire Ltd [2020] 1600412/2018*.
- **Adjustments to payment/sick pay schemes** – while the *O'Hanlon v. Commissioners for HM Revenue & Customs [2007] EWCA Civ 283* case confirmed that there was no obligation on an employer to continue to pay a disabled employee for their disability related absence outside normal sick pay rules there are circumstances where an employee is able to argue they should receive full pay. For example, in the case of *Meikle v Nottinghamshire County [2004] EWCA Civ 859* the Court of Appeal held that a disabled Claimant should have continued to receive full pay as a reasonable adjustment where an employer delayed in implementing the reasonable adjustment requested by the employee. Had they done so the Claimant would have returned to work and not been in receipt of half pay. Also in the case of *G4S Cash Solutions UK Ltd v Powell [2016] UKEAT/0243/15/RN* the EAT upheld an ET decision that to continue to pay an existing rate of pay for a disabled Claimant in an alternative role may be seen as part of a package of reasonable adjustment.

2.11 Other Adjustments

- **Risk Assessment** – the completion of a risk assessment to facilitate a disabled employee's return to work can amount to a reasonable adjustment- *Bae Systems (Operations) LTD v. Konczak [2017] EWCA Civ 1188, Mrs M Durojaiye v St Mary's Care Ltd [2019]2300832*.
- **Undertaking that an employee would not be required to work with specific colleagues and agreement that severance package would be provided** – in the recent case of *Hill v Lloyds Bank plc [2020] UKEAT/0173/19/LA & UKEAT/0233/19/LA* the EAT held that it would have been reasonable for the employer to have provided a disabled employee returning to work suffering from reactive depression to give an undertaking that she would have be required to work with two colleagues whom she believed had subjected her to bullying and harassment. See also *Edwards v. Mid Suffolk District Council [2001] UKEAT 194/99/1101* in which the EAT remitted the case to a fresh tribunal to consider whether an employer had failed in its duty to make a reasonable adjustment in not removing a requirement that a disabled claimant work with a

specific colleague which the Claimant believed was exacerbating the Claimant's condition.

- **Consultation with Claimant prior to dismissal** – In *Rothwell v. Pelikan Hardcopy Scotland LTD [2005] UKEAT 0008/05/2309* the EAT upheld a decision that it would have been a reasonable adjustment to have consulted a disabled Claimant prior to dismissing him on the grounds of ill health.

2.12 Key Lessons

The cases show that reasonable adjustments are many and varied. What is reasonable may develop and vary over time and there will never be an exhaustive list. Bear in mind that delay can be a factor in deciding that a reasonable adjustment was not made in a timely fashion, and so amounted to unlawful discrimination. A lack of communication with the employee can make this worse.

Tribunals will not simply accept that an adjustment proposed by the employee is reasonable provided the employer can demonstrate the problems with it, and that the employer has engaged to look for solutions.

Often there is no one-off answer. Disabilities can change over time, for example with progressive diseases, and it will often be helpful to build in reviews-but there is a balance between reviewing, and leaving the employee feeling harassed. The Review form in the [Appendix 1](#) may be helpful, although it is not a legal requirement.

The attitude and approach of the employer is important. Tribunals are hoping for empathy, and a desire to keep the employee at work if possible, not just treating the issue as a problem. The language and tone used by the employer can make a difference.

Above all, most reasonable adjustments are inexpensive or essentially free and often where there is a cost financial assistance can be sought from the likes of [Access to Work NI](#).

Part 3 – Examples of Adjustments (tables)

In this part of the document we summarise examples of adjustments in tabular form for ease of reference. The table headings include the type of condition or disability, specific area of adjustment sought and examples from case law – along with other examples of adjustments for each condition and a source for further information. Click on the links below to navigate to that section of each table.

[Table 1](#) – Mental Health Conditions – Examples of Adjustments

Includes:

- [Depressive Disorders](#)
- [Neurodiversity](#)
- [Other mental health conditions](#)

[Table 2](#) – Physical Conditions – Examples of Adjustments

Includes:

- [Cancer](#)
- [Diabetes](#)
- [Conditions resulting in extreme fatigue, MS](#)
- [Hearing Impairments](#)
- [Heart Conditions](#)
- [Inflammatory Conditions](#)
- [Conditions which affect mobility](#)
- [Neurological conditions, e.g. Epilepsy](#)
- [Respiratory Conditions](#)
- [Visual Impairments](#)
- [Vocal Disorder](#)

Table 1 - Mental Health Conditions – Examples of Adjustments

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Depressive disorders	Adjusting Workplace Procedures	<ul style="list-style-type: none"> Adjustments to Disciplinary Procedures to make less stressful for claimants and remove sanction of dismissal, including allowing family member or other to attend disciplinary hearing. Consider alternatives to formal procedures, e.g. mediation or other restorative solutions. Dealing with conduct issues of a disabled employee through capability procedure rather than discipline where conduct related to disability. 	<ul style="list-style-type: none"> Time out policy – potential for employee to take time out if symptoms worsen. Support with managing workload – temporarily or on an ongoing basis. Quiet space to work in. Training for colleagues to understand mental ill health. Adjustments to start/finish time to deal with medication side effects. Remote/home working- when need arises. Excusing employees from work functions. Increased supervision/support from manager, buddy or mentor. Debriefing sessions after difficult calls, customers etc. Provision of information to promote self-care. Providing regular review opportunities. Flexible break times. Provision of quiet rooms/space. 	Rethink Mental Illness STP Guide We are Rethink Mental Illness Mental Health Foundation Guide . Disability & Employment Factsheets CIPD
		<ul style="list-style-type: none"> Adjustment to absence management procedures, e.g. Removal of trigger points or dismissal sanction 		
		<ul style="list-style-type: none"> Increased Sick Payment for disabled employee 		
	Adjustments to hours of work, role and location	<ul style="list-style-type: none"> Reduced hours. Altering start/finish times. Redeployment to alternative role. Move to different location. Phased return to work following illness. 		
	Reallocation of responsibilities/duties	<ul style="list-style-type: none"> Removal of public facing duties to help reduce stress and anxiety. 		

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Depressive disorders contd..	Provision of Additional Training	<ul style="list-style-type: none"> Provision of and facilitating attendance at additional training where required 		
	Other	<ul style="list-style-type: none"> Removal of requirement to work with a specific colleague 		
Neurodiversity (including autism, Asperger's, dyslexia etc)	Adjusting Workplace Procedures / Providing information in Accessible Formats	<ul style="list-style-type: none"> Permitting family member to attend disciplinary hearing. Provision of written instructions. Structured work environment. 	<ul style="list-style-type: none"> ➤ Ensure job descriptions do not include general criteria, e.g. good communication skills – if they are not necessary to the role. ➤ Provide interview questions in advance. ➤ Provide clear and concise information about the interview, e.g. a map, photographs of location entrance, etc. ➤ Provide quiet calm waiting space. ➤ Avoid general questions or hypothetical questions. ➤ Be aware that prolonged eye contact can be off putting. ➤ Allow supporter to attend interview with applicant. ➤ Consider use of work trials. ➤ Arrange awareness training staff who work with employees with neurodiversity. ➤ Hold regular one-to-one meetings. ➤ Providing one-to-one rather than group training. ➤ Setting out clear performance expectations. ➤ Consider assistive technology, e.g. screen-reader, scanning pen, etc. ➤ Provide hard copy materials on coloured paper. ➤ Highlight key points in documents. 	<p>National Autistic Society Guide. Comprehensive guide to making adjustments to recruitment processes.</p> <p>Equality Commission Guide.</p> <p>British Dyslexia Association Guide.</p>
	Adjusting testing/assessment procedures	<ul style="list-style-type: none"> Provision of narrative answers rather than multiple choice test. Completion of aptitude tests by alternative to computerised method. Providing additional time to complete aptitude tests. Waiving of aptitude testing. 		
	Providing Additional Training	<ul style="list-style-type: none"> Additional training required or training provided in a different format 		
	Reallocating responsibilities	<ul style="list-style-type: none"> Either reallocating tasks found too difficult for disabled employee or providing support to complete same. 		
	Third Party Assistance	<ul style="list-style-type: none"> Provision of a mentor. Seek guidance from third party re. employee's abilities including Occupational Health Assessments 		

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Neurodiversity (including autism, Asperger's, dyslexia etc)			<ul style="list-style-type: none"> ➤ Provide additional time reading and completing tasks. ➤ Use different formats to convey information, e.g. flowcharts, audio. ➤ Record meetings to allow employee to playback rather than relying on written notes. ➤ Provide quiet workspace. ➤ Provide anti-glare screen filter. ➤ Permit frequent breaks. 	
Other Mental Health Conditions, Paranoid Schizophrenia	Third Party Assistance	Engagement of mental health charity in disciplinary process.	<ul style="list-style-type: none"> ➤ Provide work buddy or mentor to provide personal support. ➤ Raise awareness (with consent of employee) among colleagues of employees' condition. 	Remploy's workplace mental health support service – Mental Health At Work

Table 2 - Physical Conditions – Examples of Adjustments

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Cancer	Adjusting testing/assessment procedures	<ul style="list-style-type: none"> • Waiving recruitment requirements. 	<p>➤ Working more flexible hours. ➤ Extra breaks to cope with fatigue. ➤ Lighter duties for temporary period. ➤ Move to more suitable role. ➤ Change of work location, e.g. ground floor if stairs are a problem. ➤ Computer equipment, e.g. voice activated software if typing is an issue. ➤ Reallocating duties. ➤ Providing access to a disabled toilet. ➤ Remote/home working.</p> <p>➤ Time off for treatment/check-ups. ➤ Facilitating access to workplace for mobility issues. ➤ Designated parking space.</p>	
	Altering Hours of Work	<ul style="list-style-type: none"> • Phased return to work. • Change of shift pattern. 		
	Reallocation of responsibilities/duties	<ul style="list-style-type: none"> • Removal of manual handling duties. 		
Diabetes	Adjustments to Premises	<ul style="list-style-type: none"> • Provision of secure storage area for insulin. 	<p>➤ Rest breaks at set times. ➤ Extra breaks for checking blood sugar levels. ➤ Time off to attend diabetes education courses. ➤ Effective stress management as high stress can elevate blood sugar levels. ➤ Healthy meal options in staff canteen. ➤ Exercise classes/walking groups. ➤ Specialised equipment for visual impairments as a result of diabetes. ➤ Time off for check-ups and reviews.</p>	Macmillan Guide .
	Altering Hours of Work	<ul style="list-style-type: none"> • Reduced working hours. 		

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Conditions resulting in extreme Fatigue, e.g. ME	Adjusting Workplace Procedures	<ul style="list-style-type: none"> Adjusting absence trigger points. 	<ul style="list-style-type: none"> ➤ Change working hours to avoid rush-hour travel. ➤ Flexible or reduced working hours. ➤ Fixed shift where shift work is involved. ➤ Longer, more frequent breaks. ➤ Time off for medical appointments. ➤ Reallocation of duties/tasks. ➤ Provide quiet area for rest. ➤ Allocated parking space. ➤ Altering type of lighting at workstation if sensitive to light/noise. ➤ Advance notice of any change/disruption to working day. ➤ Phased return to work/building up to full hours slowly. ➤ Regular reviews with Occupational health. ➤ Regular breaks. ➤ Facilitating access to workplace for mobility issues. 	<p>Action for ME Guide.</p> <p>NHS Health at Work Guide.</p>
Hearing Impairment	Providing Additional Training	<ul style="list-style-type: none"> Providing deaf awareness training for all staff. 	<ul style="list-style-type: none"> ➤ Improve office acoustics through use of soft furnishings – carpet, wall panels, rubber caps on chair and table legs. ➤ Allocate workspace with good acoustics. ➤ Consider room layout for meetings. ➤ Turn off reduce background music if played. ➤ Facilitate space/access for communication professionals. ➤ Time off for check-ups/medical appointments. ➤ Provide assistive products and technology, e.g. amplified telephones, hearing loops, 	Action on Hearing Loss Guide .
	Third Party Assistance	<ul style="list-style-type: none"> Provision of sign language interpreter at meetings. 		

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Hearing Impairment contd..			<p>electronic note taker, speech-to-text reporters.</p> <p>➤ Consider 'Access to Work' scheme to help provide adjustments.</p>	Hearing Link Guide .
Heart Conditions	Adjusting Workplace Procedures	<ul style="list-style-type: none"> Reduced workload. 	<p>➤ Reduction in manual handling activities.</p> <p>➤ Phased return to work.</p> <p>➤ Access to Occupational health.</p> <p>➤ Time off for check-ups/medical appointments.</p> <p>➤ Provide regular breaks.</p>	<p>British Heart Foundation Guide.</p> <p>(includes helpful 'return to work' checklist).</p>
	Change of location	<ul style="list-style-type: none"> Relocation to a new site with reduced travel time. 		
Inflammatory Conditions (e.g. arthritis, bowel disorders)	Adjusting Workplace Procedures	<ul style="list-style-type: none"> Adjustments to absence trigger points. 	<p>➤ Time off for medical appointments.</p> <p>➤ Unlimited toilet breaks.</p> <p>➤ Reallocation of some duties/tasks.</p> <p>➤ Remote/home working.</p> <p>➤ Adjusting performance targets to take account of sickness/fatigue.</p> <p>➤ Flexible working hours.</p> <p>➤ Additional breaks.</p> <p>➤ Acquiring equipment, e.g. telephone headset, ergonomic keyboards, supportive chair.</p> <p>➤ Support from someone else to help do job, e.g. with lifting/carrying.</p> <p>➤ Adjustments to workplace policies such as discipline, grievance, redundancy selection criteria.</p>	<p>Crohn's and Colitis UK Crohn's & Colitis UK (crohnsandcolitis.org.uk)</p> <p>An employers' guide to rheumatoid arthritis NRAS</p>
	Adjustments to Premises	<ul style="list-style-type: none"> Locating work area close to toilet facilities. Provision of a dedicated parking space close to entrance. 		
	Change of Location	<ul style="list-style-type: none"> Relocating or keeping work area close to site where adequate toileting facilities are available. Relocated to a site closer to home to reduce travel time. 		
	Change of Role	<ul style="list-style-type: none"> Alternative duties which do not exacerbate condition. 		
	Third Party Assistance	<ul style="list-style-type: none"> Seek specialist advice related to disabled employee's condition. 		
Conditions which affect Mobility	Acquiring/Modifying Equipment	<ul style="list-style-type: none"> Provision of equipment such as suitable desk/chairs. Provision of voice technology software. 		

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Conditions which affect Mobility		<ul style="list-style-type: none"> • Provision of foot operated mouse. • Provision of automatic vehicle. 		
	Adjusting Workplace Procedures	<ul style="list-style-type: none"> • Removal of requirement for employee to sign in at a particular location. • Pay protection. 		
	Adjusting Testing/assessment Procedures	<ul style="list-style-type: none"> • Waiving requirement to undergo competitive interview. 		
	Altering Hours of Work	<ul style="list-style-type: none"> • Phased return to work. • Reducing hours to part-time. 		
	Change of Location	<ul style="list-style-type: none"> • Working remote/from home. • Move to location closer to home. 		
	Change of Role & Reallocation of duties/responsibilities	<ul style="list-style-type: none"> • Move to lighter duties/avoiding heavy lifting. • Consideration of alternative roles before dismissal. • Allocation to a specific suitable route. 		
Neurological Conditions (e.g. Epilepsy, Parkinson's Disease, Multiple Sclerosis)	Adjusting Workplace Procedures	<ul style="list-style-type: none"> • Monitoring Workflow to ensure disabled employee is not overloaded. 	<ul style="list-style-type: none"> ➤ Making workplace safe in case of seizures. ➤ Avoiding lone working. ➤ Reallocating some tasks that could trigger seizures. ➤ Time off for medical appointments. ➤ Change of shift times, e.g. if an employee usually has seizures first thing in the morning/evening – change shift times to accommodate. ➤ Alternations to lighting etc where photosensitivity can trigger seizures. 	Epilepsy Society Guide .
	Adjusting Testing/assessment Procedures	<ul style="list-style-type: none"> • Provision of additional time to sit examinations. • Completion of examinations at a site closer to disabled Claimants home. • Provision of breaks during examinations. 		

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
Neurological Conditions (e.g. Epilepsy, Parkinson's Disease, Multiple Sclerosis)			<ul style="list-style-type: none"> ➤ Working from home. ➤ Providing modified equipment, e.g. large button telephone, ergonomic desk, adjustable chairs, speech enhancing equipment. ➤ Provision of automatic car or taxis where driving is required. ➤ Providing parking space close to place of work. ➤ Hand or grab rails installed. ➤ Extra rest breaks. ➤ Flexible working hours. ➤ Moving workstation away from heat sources/close to toilet. ➤ Make workspace layout more accessible. 	<p>Healthy Work Guide (Employment and Parkinson's).</p> <p>European Parkinson's Disease Associate Guide.</p> <p>MS Society Guide.</p>
Respiratory Conditions (e.g. Asthma, COPD, Pneumonia, etc)	Adjusting Workplace Procedures	<ul style="list-style-type: none"> • Provision of paper briefing as an alternative to attending meetings in a room which exacerbated the Claimant's condition. 	<ul style="list-style-type: none"> ➤ Be aware of employee's triggers and ensure employees are protected from these. ➤ Provide a programme of health surveillance. ➤ Ensure immediate investigation where occupational asthma occurs. ➤ Ensure all colleagues know what to do if an employee has an asthma attack. ➤ Ensure employees understand how to avoid putting themselves and others at risk. ➤ Flexible/part-time hours – stamina may be an issue for some employees with respiratory conditions. ➤ Provide safe place to take medication. 	Asthma UK – Asthma at Work Your Charter .
	Change of Location	<ul style="list-style-type: none"> • Relocation to a more suitable work environment which did not exacerbate the Claimant's condition. 		
	Reallocation of Duties/Responsibilities	<ul style="list-style-type: none"> • Reduction in workload. 		

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
			<ul style="list-style-type: none"> ➤ Be aware of potential side effects from medication. ➤ Review risk assessments. ➤ Have contingency plans in place in event of attacks. 	Healthy Working Lives Guide .
Visual Impairments	Acquiring/Modifying Equipment	<ul style="list-style-type: none"> • Provision of magnification software. • Provision of a Screen Reader. • Provision of a Braille display. • Provision of a speech synthesiser. 	<ul style="list-style-type: none"> ➤ Provision of specialist software. ➤ Reallocation of some duties. ➤ Providing information in different ways. ➤ Supporting staff in training and development sessions, e.g. auditory presentation to support visual presentations. 	Equality and employment RNIB Has useful information on technology.
	Adjusting Workplace Procedures	<ul style="list-style-type: none"> • Retaining employee on full pay while adjustments were made. 		
	Adjustments to Premises	<ul style="list-style-type: none"> • Improving lighting to facilitate continued employment. 		
	Altering Hours of Work	<ul style="list-style-type: none"> • Provision of specific hours of work. 		
	Change of Location	<ul style="list-style-type: none"> • Working remote/from home. 		
	Change of Role	<ul style="list-style-type: none"> • Redeployment to a role which did not exacerbate visual impairment. 		
Vocal Disorder	Adjustments to Premises	<ul style="list-style-type: none"> • Adjustments to office layout to help minimise excess noise. • Temperature control. 	<ul style="list-style-type: none"> ➤ Reduce background noise, e.g. machinery/music. ➤ Provide voice amplification. ➤ Provide vocal training. ➤ Time off for treatment/therapy. ➤ Reduce exposure to atmospheric irritants. 	British Voice Association Guide . The Lary Project Guide .
	Altering Hours of Work	<ul style="list-style-type: none"> • Reduction in hours. 		
	Reallocation of Duties/responsibilities	<ul style="list-style-type: none"> • Reallocation of duties where loss of voice could be accommodated. • Reduce time spent on telephone calls. 	<ul style="list-style-type: none"> ➤ Use nonverbal communication methods, e.g. email. ➤ Don't interrupt an employee while they are talking. ➤ Providing access to water to keep throats hydrated. 	

Condition Type	Area of Adjustment Sought	Examples from Case Law	Other Examples	Source
			➤ Accept that employees with vocal disorders may be quiet as opposed to unenthusiastic.	

Part 4 – Appendices

In this final part of the document we have included a number of helpful sources of further information. This includes a proforma to use when meeting an employee to discuss potential adjustments or review ongoing adjustments. It also includes a list of other useful sources of guidance and a directory of local organisations that provide support for and guidance for the disabled.

[Appendix 1](#) – Review Meeting Checklist and helpful language

[Appendix 2](#) - Reasonable Adjustments in the Workplace Exercises

[Appendix 3](#) – Other Useful Publications

[Appendix 4](#) – Main Organisations that Provide Support for Employers In NI

Appendix 1a - Review Meeting Checklist

Employee Name:	
Date and time of meeting:	
Place of meeting:	
Meeting attended by:	
Reason for meeting:	
Nature of Impairment: <i>(detail the impairment as outlined by the employee and how it impacts on their ability to do day to day tasks)</i>	
Details of any medical/OH guidance/recommendations:	
Potential adjustments requested: <i>(outline what if any adjustments have been requested or recommended. The headings below are for guidance only).</i>	
Equipment:	
Adjustments to Company procedures:	
Adjustments to premises:	
Duties/responsibilities of employee's role:	

Location:	
Hours of work:	
Training required:	
Additional assistance required:	
Other:	

Action Points/Follow up:	Owner:	Agreed Timescale:

Who is to be informed?

Date of next meeting if required:

NOTE- This form contains personal data, including special category data under GDPR. It should not be sent, printed or stored, save as agreed. It is likely that the employee will be entitled to a copy on request under GDPR.

Appendix 1b - Review Meeting Checklist- Helpful Language

The table below is an extract from a Guide for managers - How to consider Reasonable Adjustments – by the [National Manager Offender Institute](#) and outlines some examples of helpful language for managers to use when discussing potential adjustments with employees.

	What to avoid	Best practice
Introduction	"We need to discuss how to solve this problem with your disability..."	"Can we discuss your needs and what can I do to support you?"
	"Obviously we have to accommodate you..."	"We're keen to level the playing field and give you the same opportunities as your colleagues"
Establishing needs	"Tell me what you can't do..."	"What causes you difficulty at work?" "How does this affect you on a daily basis?"
	"I know exactly what you need..."	"Have you had any thoughts on how we can adapt things to suit your needs? What has been put in place in previous roles /jobs?" Have you filled out the disability transfer papers?"
	"There's someone with the same disability as you, so I've ordered the same equipment..."	"I'm aware of people in a similar situation to you, but everybody is different. Have you thought about the changes/ reasonable adjustments that you may require?"
Considering the adjustment	"Why should we put these changes in place just for you?"	how effective will these changes be in overcoming the difficulty you are experiencing?
Considering the adjustment	"This change is going to cause us quite some problems."	"As your manager I need to consider how practical and disruptive it is to take these steps; and the financial costs associated with the adjustment."

Deciding what is reasonable?	"I have to consider this because it's the law."	"Reasonableness is determined on an individual basis but as a good employer I take a proactive view to ensuring everything possible is done to help you remain at work safely."
Deciding what is reasonable?	"I don't have to consider the adjustments outlined in the OH report."	"As your manager I am able to challenge the reasonable adjustment suggestions by OH assist because there is a specific reason why this establishment cannot accommodate the adjustments."
Reviewing restricted duties	"I cannot allow the restricted duties to continue."	"You have been on restricted duties for a long period of time so I am going to re-refer you to OH for advice. I may also consider asking for a 'Functional Capacity Evaluation', as yours is a complex situation."
Once needs have been established	"I'll have to see what management say, money's tight..."	"I'll support you throughout, I'm sure the organisation will do everything possible to accommodate your needs."
After the reasonable adjustment has been delivered	"That's dealt with now..."	"Please let me know if the adjustments are meeting your needs or if you come across any problems. We will formally review in three months time to make sure that everything's okay and to see whether you require anything else."

Appendix 2 – Reasonable Adjustments in the Workplace Exercises

The purpose of the following exercises is to complement the research set out elsewhere in this document. The scenarios are taken from issues discussed in the document and, therefore, the answers are all contained within the document or supporting papers.

Feel free to use any of these exercises to open up discussion about disability and reasonable adjustments in your organisation. Or make up your own exercises, depending on the disability that concerns you or your employee(s).

‘Reasonable’ adjustments are just that – they are reasonable, not excessive or expensive, just reasonable. Taking that first step to discuss an employee’s disability and their needs is often the hardest step to take. But try it – you’d be amazed how easy it is to find what is ‘reasonable’ if you have a conversation or two with a disabled person.

Exercise 1

Q. An employee’s performance has been erratic, and you are concerned that they may have developed a mental health problem. How might you ascertain whether or not they may be experiencing mental health problems and, assuming you have done that, what might be some of the possible reasonable adjustments?

A. This is a tricky question – you can’t just blurt out, “I think you have a mental health problem!” Well, you could, but don’t be surprised if you find your employee goes on the long-term sick list or resigns or there is an explosion of emotion.

What you can do is research the symptoms and speak to the employee about how they are feeling. These is a list of useful language you might use at [Appendix 1b](#). Might any of those help you raise this issue?

There is much evidence that employees will often mask or deny a mental health problem until they are ‘forced’ to open up (perhaps during disciplinary proceedings), so the long term solution could be to create a more inclusive and open organisation, where mental health is discussed openly and without shame. We don’t all currently have that luxury. Until your organisation gets to that point, you’ll have to expect that most employees might be a bit reticent to open up about mental health issues.

You have a duty to provide a safe working environment to all employees and you will have to raise performance issues with employees, whether or not the performance is related to mental health issues. It is very difficult to raise sensitive issues with people if you don’t have a good relationship built on trust. Ideally, you and your managers will have regular meetings with staff and will have caught issues early with something like, “Are you OK? You seem a bit distant, which isn’t like you – is there anything I can help you with or you want to discuss?”

Many employers have Employee Assistance Programmes (EAP) that might be able to help employees. Just as importantly, your EAP providers might be able suggest how to approach an employee you think is struggling with mental health issues.

Suggestion:

Perhaps you could join the Wellhub from Ulster University and others, which pulls together lots of resources (most of them free) available in NI. A free trial of their service is available:

<https://wellhub.info/>

Suggestion:

Find the organisations set out in [Appendix 4 – Main Organisations that Provide Support for Employers In NI](#) - that can help with mental health issues.

Q. Which might work best for you and your employees?

Before you raise concerns, do some research.

Suggestion:

Have you read the CIPD's [Supporting mental health at work: Guide for people managers](#)? It's full of really useful advice, including a section on **Early intervention: spotting the signs of stress and poor mental health**: that sets out physical, psychological and behavioural early indicators of mental health problems.

Suggestion:

Take a look at [Table 1 - Mental Health Conditions – Examples of Adjustments](#). Some of the suggested things to help employees with depressive disorders include:

- Time out policy – potential for employee to take time out if symptoms worsen.
- Support with managing workload – temporarily or on an ongoing basis.
- Quiet space to work in.
- Training for colleagues to understand mental ill health.
- Adjustments to start/finish time to deal with medication side effects.
- Remote/home working - when need arises.
- Excusing employees from work functions.
- Increased supervision/support from manager, buddy or mentor.
- Debriefing sessions after difficult calls, customers etc.
- Provision of information to promote self-care.
- Providing regular review opportunities.
- Flexible break times.

Q. How many of these might apply in your workplace?

Q. How many apply to someone currently working from home following the Covid-19 crisis?

Q. What else might work, if the source of stress is at home, rather than at work?

Exercise 2

Q. An employee indicates that they have been diagnosed with an aggressive cancer. What might the employer and colleagues do to assist this employee?

A. Many of us will have experience of relatives or friends who have had cancer. It is likely that cancer numbers will increase as the population ages, and the backlog of tests as a result of the impact of Covid-19 on health service delivery will doubtless exacerbate the issue for years to come. All people with cancer are deemed to be disabled from the point of diagnosis, although all treatments and cancers may not have a long-term physical impact on the individual.

Suggestion:

Consider some of the options for reasonable adjustment in relation to employees with cancer set out in [Table 2: Physical Conditions – Examples of Adjustments](#):

- Extra breaks to cope with fatigue.
- Working more flexible hours.
- Lighter duties for temporary period.
- Move to more suitable role.

- Change of work location, e.g. ground floor if stairs are a problem.
- Computer equipment, e.g. voice activated software if typing is an issue.
- Reallocating duties.
- Providing access to a disabled toilet.
- Remote/home working.
- Time off for treatment/check-ups.
- Facilitating access to workplace for mobility issues.
- Designated parking space.

Q. How many of the above options could be provided?

Q. How many are still appropriate for working from home employees?

Q. Do you have employees who find working from home stressful? Can they be accommodated with any of the above, at least part time?

Suggestion:

Cancer treatments are often more successful than they were 30-40 years ago. Cancer is not always life-threatening, but it's always a sensitive issue and you need to think before you act. The [Clie Sargent online guide](#) for employers referred to in [Table 2](#) has loads of useful suggestions, including:

1. My employee has been diagnosed
2. My employee is having treatment
3. My employee is returning to work
4. A new or potential employee has disclosed they've had cancer
5. Go the extra mile for young people with cancer

Appendix 3 – Other Useful Publications

Disability Code of Practice Employment and Occupation – Equality Commission for Northern Ireland.

<https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/DisabilityEmploymentCoPupdatedMay13.pdf?ext=.pdf>

Disability and Reasonable Adjustments – Brighton and Sussex University Hospitals NHS Trust - has a very useful 'directory of impairments' with some suggested adjustments for the various impairments.

https://www.whatdotheyknow.com/request/325969/response/802958/attach/3/Disability%20and%20Reasonable%20Adjustments%20v2.1.pdf?cookie_passthrough=1

Guide for managers - How to consider Reasonable Adjustments – National Manager Offender Institute.

This publication has an excellent section on helpful and appropriate language to use when having conversations with employees about adjustments and points out what is not helpful. Well worth a view.

https://www.napo.org.uk/sites/default/files/m18_how_to_consider_reasonable_adjustments.doc

How to support people with sensory impairments in employment – Sense.org.uk

<https://www.sense.org.uk/get-support/information-and-advice/employment/>

Supporting mental health at work: guide for people managers – CIPD

[Supporting mental health at work: Guide for people managers \(cipd.co.uk\)](https://www.cipd.co.uk/knowledge/mental-health/supporting-mental-health-at-work/guide-for-people-managers)

Reasonable Adjustments - Neurodiversity AGCAS Disability Task Group – The Association of Graduate Careers Advisory Services. Guide for students transitioning from university to the workplace. Full of very practical examples based on particular challenges faced.

https://www.agcas.org.uk/write/MediaUploads/Resources/Disability%20TG/Reasonable_Adjustments_-_Neurodiversity.pdf

Working with Schizophrenia: Pathways to Employment, Recovery & Inclusion – The Work Foundation.

[Working-with-schizophrenia-pathways-to-employment-recovery-and-inclusion.pdf](https://www.workfoundation.org.uk/wp-content/uploads/2017/06/Working-with-schizophrenia-pathways-to-employment-recovery-and-inclusion.pdf)

Appendix 4 – Main Organisations that Provide Support for Employers In NI

The table below provides some basic information on a range of organisations that support people with disabilities and also provide some support relating to employment that can be of some help to employers. This includes for example, awareness training for employees or advice on guidance on suitable reasonable adjustments. A wider range of charitable organisations that support people with disabilities is available [here](#).

This is not an exhaustive list. If you can think of some others that could usefully be included in this table, please drop a line to Christine@legal-island.com with your suggestion.

Disability Type or Illness	Name of Organisation	Organisation Focus	Type of Employer Support	Website	Contact Tel/email
Addiction	Addiction NI	Drug and Alcohol addictions	Manager and staff awareness training	https://www.addictionni.com/	028 9066 44 34 enquiries@addictionni.com
All	Wellhub	All	Workplace wellbeing hub utilising community resources	https://wellhub.info/	contact@wellhub.info
All	Access To Work (NI)	All Disabilities	Helps employers recruit or retain people with disabilities in employment, e.g. provision of special aids, adaptations, communication support, transport etc.	https://www.nidirect.gov.uk/articles/access-work-practical-help-work	Health&WorkSupportCo-ordination@communities-ni.gov.uk
All	Northern Ireland Union of Supported Employment (NIUSE)	People with Disabilities	Promotes employment opportunities for people with disabilities		028 7137 7709 info@niuse.org.uk
All	The Cedar Foundation	Physical and Sensory Disabilities Learning Disability Autism Brain Injury	Advice on Reasonable Adjustments Education and Training Support disabled employees to build careers	https://www.cedar-foundation.org/	(028) 9066 6188 communications@cedar-foundation.org.uk

Disability Type or Illness	Name of Organisation	Organisation Focus	Type of Employer Support	Website	Contact Tel/email
All	Disability Action	Physical disabilities Learning disabilities Sensory disabilities Hidden disabilities Mental health disabilities	Advice and support in employing or supporting disabled employees. See Guide: Employing People with Disabilities: A Positive Action Guide for Employers .	https://www.disabilityaction.org/	028 9029 7880
Arthritis	NI Versus Arthritis	Arthritis	Awareness Training	https://www.versusarthritis.org/	028 9078 2940 helpline@versusarthritis.org
Arthritis	National Rheumatoid Arthritis Society	Rheumatoid Arthritis	Guidance booklet: An Employer's Guide to Rheumatoid Arthritis	https://www.nras.org.uk/publications/an-employers-guide-to-rheumatoid-arthritis	Local Group North West: 01628 823524 groups@nras.org.uk
Bereavement	Cruse Bereavement Care	People who have been bereaved	All staff Training Consultancy Services Training for bereavement support volunteers	https://www.cruse.org.uk/training	training@cruse.org.uk
Brain Injury	Brain Injury Matters	All affected by Acquired Brain Injury	Awareness training	https://braininjurymatters.org.uk/training	028 90 705 125 info@braininjurymatters.org.uk
Cancer	Action Cancer	All Cancers	Health Promotion activities	https://www.actioncancer.org/How-We-Help/Health-Promotion	028 9080 3344 info@actioncancer.org
Cancer	Cancer Focus NI	All Cancers	Publications on different types of cancer	https://cancerfocusni.org/cancer-info/leaflets-publications/	028 9066 3281 hello@cancerfocusni.org
Cancer	MacMillan Cancer Support	All Cancers	Information, training and resources for employers to help them support staff affected by cancer	https://www.macmillan.org.uk/cancer-information-and-support/get-help/help-with-work/employers	0808 808 00 00

Disability Type or Illness	Name of Organisation	Organisation Focus	Type of Employer Support	Website	Contact Tel/email
Crohn's and Colitis	Crohn's and Colitis UK	Chron's and Colitis	Guidance: Employment & IBD: a guide for employers	https://www.crohnsandcolitis.org.uk/about-crohns-and-colitis/publications/employment-ibd-a-guide-for-employers	01727 734 475 ni@networks.crohnsandcolitis.org.uk
Depression and Anxiety	Aware NI	Depression and Bipolar disorder	Deliver Mental Health and Wellbeing programmes, e.g. 'Mood Matters in the Workplace'	https://www.aware-ni.org/wellbeing-programmes	028 9035 7820 028 7126 0602
Depression and Anxiety	Lifeline	People in distress or despair	Counselling helpline	https://www.lifelinehelpline.info/	0808 808 8000
Depression and Anxiety	Samaritans	People in distress or despair	Emotional Support helpline Wellbeing in the Workplace online learning Workplace training	https://www.samaritans.org/how-we-can-help/workplace/	0330 094 5717
Diabetes	Diabetes UK	Diabetes	Guide: Supporting Someone with Diabetes at Work	https://www.diabetes.org.uk/guide-to-diabetes/life-with-diabetes/employment/employees	028 9066 6646 n.ireland@diabetes.org.uk
Dyslexia	Northern Ireland Dyslexia Centre	People with Dyslexia	Awareness Training Managerial consultations Tutorial support for employees Assessments	https://www.nidyslexiacentre.co.uk/how-can-we-help/training/	028 9065 4670 info@nidyslexiacentre.co.uk
Epilepsy	Epilepsy Action NI	People with epilepsy	Epilepsy awareness training	https://www.epilepsy.org.uk/volunteer/face-to-face-epilepsy-awareness-training	07885 778 585 csmyth@epilepsy.org.uk
Hearing Impairment	Action on Hearing Loss	Hearing Loss	Deaf Awareness Training Workplace Assessments Communication support Hearing loops BSL training	https://actiononhearingloss.org.uk/about-us/action-on-hearing-loss-northern-ireland/	028 9023 9619 information.nireland@hearingloss.org.uk
Hearing Impairment	Hearing Link	Hearing loss	Awareness Training	Hearing Link Services - UK Hearing Loss Charity	07534 563451 enquiries@hearinglink.org

Disability Type or Illness	Name of Organisation	Organisation Focus	Type of Employer Support	Website	Contact Tel/email
Hearing impairment	RNID – for Deaf & Hard of Hearing People	Hearing loss	Deaf awareness training Supporting staff with hearing loss Making recruitment accessible Communication support	RNID - National hearing loss charity	0808 808 0123 contact@rnid.org.uk
Heart Conditions	Chest Heart and Stroke NI	Chest, heart and stroke conditions	Health Promotion	https://nichs.org.uk/our-support-services/prevention-services/workplace-health-and-well-being	028 9032 0184 www.nichs.org.uk/WellNI
Mental Health	Mindwise	Mental health disabilities	Mental health training, 'WorkWise'	https://www.mindwisenv.org/mental-health-training/	028 9040 2323
Mental Health	Action Mental Health	Mental Health Needs and Learning Disabilities	Mental health training programmes and Consultancy services	https://www.amh.org.uk/services/amh-works/	028 91828494
Multiple Sclerosis (MS)	MS Society	MS	Guidance material Workplace Adjustment Agreement	https://www.mssociety.org.uk/care-and-support/everyday-living/working-and-ms/information-for-employers	028 9080 2802 nireception@mssociety.org.uk
Myalgic Encephalomyelitis (M.E.)	Action for ME	ME	Guidance booklet: An employer's guide to M.E.	https://www.actionforme.org.uk/uploads/pdfs/employers-guide-to-me-booklet-2016.pdf	
Neurodiversity	NOW Group	Learning Difficulties and Autism	Recruitment and Supported Employment Awareness training Social Impact Measurement		028 9043 6400 admin@nowgroup.org
Neurodiversity	Mencap	Learning Disabilities	Awareness training Support for employees with a learning disability	https://northernireland.mencap.org.uk/	028 9069 1351

Disability Type or Illness	Name of Organisation	Organisation Focus	Type of Employer Support	Website	Contact Tel/email
Neurodiversity	Orchardville Society	Learning Disabilities and Autism	Programmes to help individuals gain employment and support them whilst in employment	https://www.orchardville.com/	028 9073 2326 info@orchardville.com
Neurodiversity	Texthelp	People with a neurodiversity	Technology solutions to facilitate inclusion and accessibility for employees and customers	https://www.texthelp.com/en-gb/	028 9442 8105 info@texthelp.com
Neurodiversity	Autism NI	People with Autism	Autism Awareness training	https://www.autismni.org/training-courses	028 9040 1729 info@autismni.org
Neurodiversity	National Autistic Society	People with Autism	Training Workplace assessment Autism at Work Programme	https://www.autism.org.uk/what-we-do/employment	028 9068 7066
Neurodiversity	Specialisterne	People with Autism	Specialist consultancy for recruiting and supporting people with Autism Recruitment Service Staff Training Communication Coaching	https://www.specialisterneni.com/	028 9073 9601 admin@specialisterneni.com
Parkinson's Disease	Parkinson's UK	People with Parkinson's disease	Information for Employers guidance	https://www.parkinsons.org.uk/information-and-support/information-employers-about-parkinsons	0344 225 3683
Visual Impairment	RNIB	Sight Loss	Technology to aid website accessibility Transcription services Product accessibility checking Training Tactile images/maps	https://www.rnib.org.uk/northern-ireland	028 9032 9373 rnibni@rnib.org.uk