**QUICK GUIDE**

**REASONABLE ADJUSTMENTS**

**What is a workplace reasonable adjustment?**

A reasonable adjustment is a change to the work environment or to a workplace policy, criteria or practice that aims to remove or minimise disadvantages experienced by disabled employees and job applicants.

**What does the law say?**

The Equality Act 2010 (and the Disability Discrimination Act 1995 in Northern Ireland) gives disabled workers the right to reasonable adjustments where they experience substantial disadvantage. Employers have a duty to provide reasonable adjustments where they know or should have known the employee was disabled.

**Who is entitled to reasonable adjustments?**

Only disabled people are entitled to reasonable adjustments. A disabled person is defined in law as someone with a physical or mental impairment which has lasted, or is likely to last, 12 months or more and which has a substantial adverse affect on their ability to carry out normal day to day activities.

To be entitled to reasonable adjustments the disabled worker must also be disadvantaged in the workplace due to their disability in a way that is more than minor or trivial.

**What are examples of reasonable adjustments?**

* Doing things another way, such as allowing someone with social anxiety disorder to have their own desk instead of hot-desking
* Making physical changes, such as installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person
* Letting a disabled person work somewhere else, such as on the ground floor for a wheelchair user
* Changing their equipment, such as providing a special keyboard if they have arthritis
* Allowing employees who become disabled to make a phased return to work, for example working flexible hours or part-time

Every disabled worker will face different barriers and what is ‘reasonable’ will need to take into account an individual’s circumstances and the size and resources of the employer.

**But shouldn’t we just treat everyone equally?**

Actually, the reasonable adjustment duty can require disabled workers to be treated **more favourably** in order to reduce workplace disadvantage.

**Are there any exemptions?**

No. Employers subject to the duty cannot argue that there was a justifiable reason why they did not agree reasonable adjustments. The only question is whether the adjustments are reasonable or not.

Employers also have to make reasonable adjustments even if they don’t employ the person directly - this includes contract workers, trainees, apprentices and business partners.

There are also no requirements that a worker needs to have been in the job for a certain amount of time. Reasonable adjustments are a ‘day one’ employment right and job applicants are also included.

**What does ‘reasonable’ mean?**

There is no definition or list of what is reasonable. There is also no statutory timescale for how long it is reasonable to wait for an adjustment to be put in place. It all depends on the individual circumstances of the worker and the employer. If Occupational Health are doing their job properly they should be able to advise. But in the end, if there is a failure to reach agreement, it is the courts who decide what is reasonable.

**What if my employer can’t afford adjustments?**

A disabled worker may be able apply to Access to Work to assist with costs involved in making adjustments - [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)

**How should the issue be raised with employers?**

The first step is to let your employer know you are disabled. You can ask this to be kept confidential from your manager. Talk to your union rep about the barriers you face in the workplace and identify potential adjustments. Then make your request. It’s always best to do this in writing and your rep can help you compose an email or letter.

**What happens if the employer says no?**

If an employer says no to a reasonable adjustment request, the first thing a member should do is speak to their UNISON rep. They will be able to negotiate with the employer and explain the law to them if the employer refuses to comply with their legal duty. If legal action is required there is a deadline of 3 month less one day so speak to your UNISON rep at the earliest opportunity.

**Where can I find more information?**

UNISON’s [Proving Disability and Reasonable Adjustments Guide](https://shop.unison.site/product/proving-disability-and-reasonable-adjustments/) includes a directory of impairments with examples of reasonable adjustments

UNISON’s [Disability Leave Bargaining Guide and Model Policy](https://www.unison.org.uk/content/uploads/2019/10/25870.pdf) and [Reasonable Adjustments Model Policy, and Passport](https://www.unison.org.uk/content/uploads/2019/10/25875_reasonableadjustments.pdf) can be used to negotiate improved policies with employers