

Employment

Your rights at work

A guide for people with a learning disability
and their supporters



The Equality and Human Rights Commission

– the independent advocate for equality and human rights in Britain

The Equality and Human Rights Commission aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

The Commission was established under the Equality Act 2006 and opened in October 2007. We are a non-departmental public body, which means that we are accountable for our public funds but independent of government. We have taken over the roles and duties of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission and we also have new responsibilities.

The Commission enforces and develops equality legislation on age, disability, gender, race, religion or belief, sexual orientation and transgender status and encourages compliance with the Human Rights Act. We work closely with, and provide advice and guidance to, policymakers, lawyers, government, businesses, the voluntary and public sectors, and individuals.

We have offices in England, Scotland and Wales. For further details please see our website **www.equalityhumanrights.com** or contact one of our helplines – contact details can be found on the back cover. If you require this publication in an alternative format and/or language please contact the relevant helpline to discuss your needs. All publications are also available to download and order in a variety of formats from our website.

This booklet is also available in Easy Read, call the Equality and Human Rights Commission Helpline to order a copy.

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Foreword from Anne McGuire, Minister for Disabled People



I am very pleased to have been asked to support this guide, because the Government wants to make sure that disabled people are treated fairly in everything they do.

The Disability Discrimination Act says that disabled people should not be treated unfairly because of their disability. If you are treated unfairly because of your disability, this could be against the law.

Your rights at work are very important. We should all have the chance to get a job and do well at work. The Disability Discrimination Act has been the law since 1995. This Government has made it a lot stronger and given disabled people lots more rights since 1997. But there are still some disabled people who don't know that they must be treated fairly. Sometimes they don't know how to ask for their rights.

That is why I welcome this guide. It will help you to understand what your rights are and to ask for your rights at work. It tells you what to do if you don't think you have been treated fairly.

I hope you will use this guide and learn about your rights at work, and it will help you to make sure that you are treated fairly.

A handwritten signature in black ink that reads "Anne McGuire". The signature is written in a cursive style.

Anne McGuire, Minister for Disabled People
Department for Work and Pensions

Introduction

Do you want to get a job?

- Do you find it difficult to have interviews?
- Are the application forms hard to fill in?

You can ask for these things to be done differently. This might make it easier for you.

Do you already have a job?

- Are there parts of the job that you find hard?

You can ask for changes to the job. This might make it easier for you.

This guide tells you about the changes you can ask for when you are trying to get a job, or when you have a job.

The law says that you can ask for these changes because you have a disability.

It is your right to ask for these changes.

There are stories in this guide about people who have asked an employer to do things differently. You can ask for these changes too.

Sometimes the law can be hard to understand. You might like to ask someone to support you as you go through this guide.

This guide is also available in Easy Read. You can get a copy in Easy Read if you call the Equality and Human Rights Commission helpline. The phone numbers are at the back of this booklet.

Useful words

Discrimination

This means a person is treated unfairly compared to another person. All disabled people should be treated fairly.

Right

You can have a right to do or to have something. This means that no one should be able to stop you from having or doing that thing.

Law

Laws are rules written by the Government. There is a law called the **Disability Discrimination Act** which says that employers must not treat disabled people unfairly.

Employer

Employers are people or companies who have people working for them.

Responsibility

A responsibility is something that you have to do. If your job is to answer phone calls, then it is your responsibility to answer the phone. Employers have responsibilities too. These are things that they must do. An employer's responsibilities include making sure you get paid and are safe at work. Some of the responsibilities of employers are part of the law.

Reasonable adjustment

A reasonable adjustment is a change that will make it easier for you to get a job or keep a job. It must be a change that you need because of your disability. It must be a change that the employer can afford to make. The change must not make things very difficult for the other people who work there.



The law says that employers must try to make changes and must ask disabled people what changes they need.

Supporter

A supporter is somebody who helps you to make decisions and to understand things that you may find difficult. The supporter can be a friend or member of your family. They can also be somebody who works for a supported employment agency or an advocacy group. Details of how to find a supporter are at the back of this guide.

Work trial

Some employers give people a work trial instead of a formal interview. The work trial is a chance for you to prove that you can do the job. The work trial should usually last up to 8 weeks, but can sometimes be shorter. You should get training and supervision during the trial. At the end of the trial you should find out if you got the job or not.

Job share

This is where two or more people share one job between them. It means that the people sharing the job can work part time. It also means that the different responsibilities of the job can be shared.

Job coach

A job coach can help you to learn how to do a job. They might work for a supported employment agency. They can come with you to work until you have learned to do the job on your own. They can also support you to learn how to get to work by helping you with public transport. Details of how to find a job coach are at the back of this guide.

Job carving

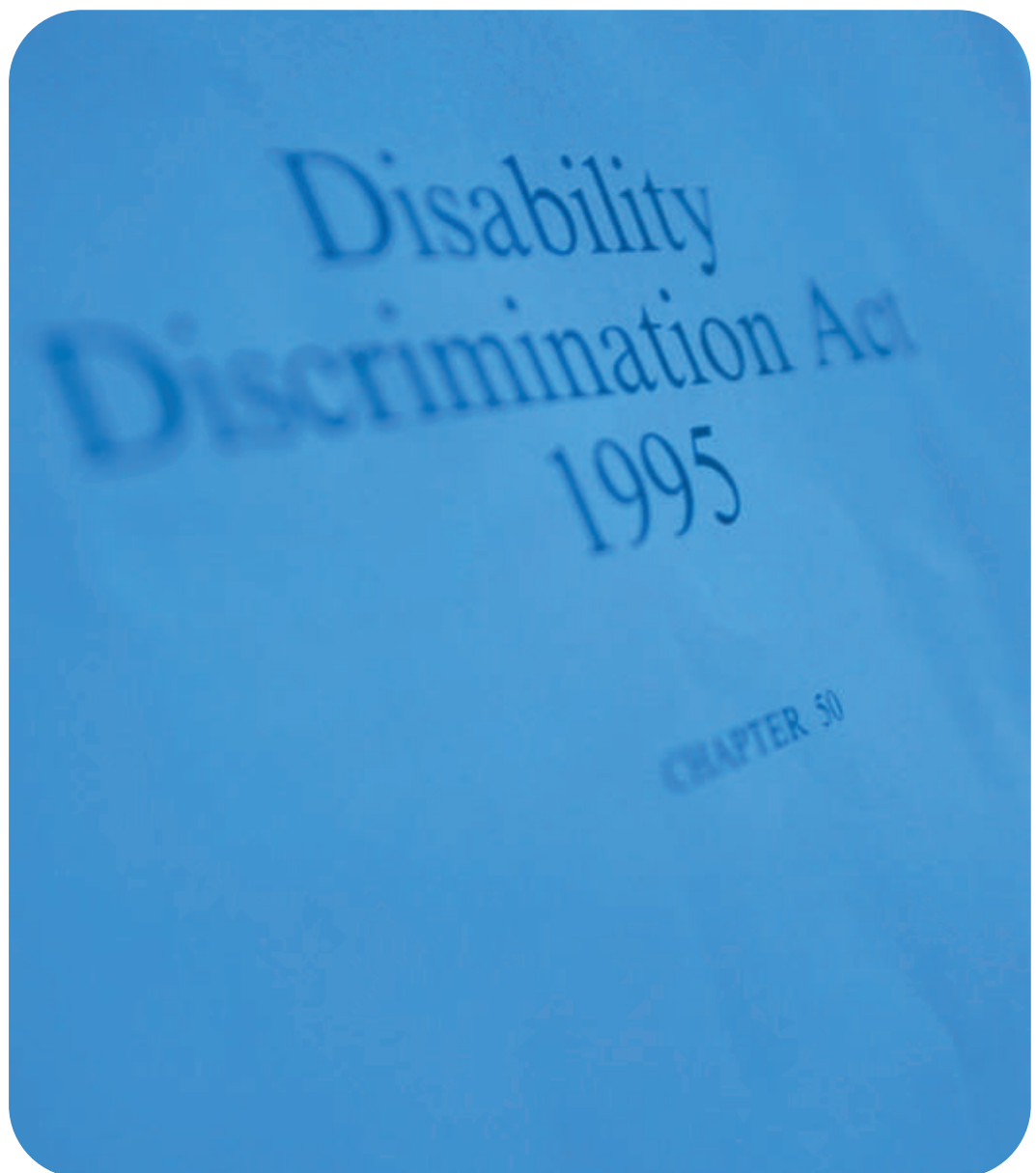
If you would find it difficult to do some of the tasks for a job, it is sometimes possible to only do things that you feel you can do. A job can be made out of some or all of the tasks that an employer has on offer. Someone else does the other parts of the job. This is called job carving.

Tribunal

A tribunal is a bit like a court. If you are a disabled person and you think your employer has discriminated against you, you can take a legal case to a tribunal. A tribunal is where people listen to what has happened and decide if it is against the law. You will tell your side of the story and the employer will tell theirs. The tribunal will then decide if your employer has broken the law.

What is discrimination?

Discrimination is when someone is treated unfairly compared to another person. The Disability Discrimination Act is a law that says that disabled people must not be treated unfairly. A lot of people are protected by this law. It includes people who have a learning disability, have epilepsy or depression.



How can the law help you?

You have rights to be treated fairly at all times. This includes when you go to the shops, college, and when you go to work or apply for a job.

This booklet is about your rights at work and when you are looking for work.

If a disabled person finds it more difficult than other people to apply for jobs and go to interviews, an employer must make changes to help them. The law calls these changes **reasonable adjustments**.

You can also ask for changes if you think they will help you at work. For example, if some parts of the job are too hard, your manager could give you some extra help or somebody else could do these tasks.

An employer does not always have to make these changes. Some changes can be too expensive or too difficult. Employers should always think about the changes they could make to a job and try to find a way to help.

If a change you need costs money, your employer can get money from the Government to help with the costs. The Government call this 'Access to Work'. You can find out more about this from your local Jobcentre Plus.

How do you ask an employer to make changes for you?

If you need some changes to your job you should talk to your employer. You can ask for these changes at the interview, or when the employer offers you the job. You could ask for some changes after you start your job, if you find some tasks difficult. It is OK to tell your employer what you find difficult.



You can talk about how doing something differently would help you do your job better. You might need to tell your employer about the law. You could show this booklet to your employer. If your employer has questions they can call the Equality and Human Rights Commission helpline. The phone number is at the end of this booklet.

The stories in this booklet are about people who asked their employer to make changes for them because of their learning disability. All these stories are true.

Hussain's story

– a fair interview

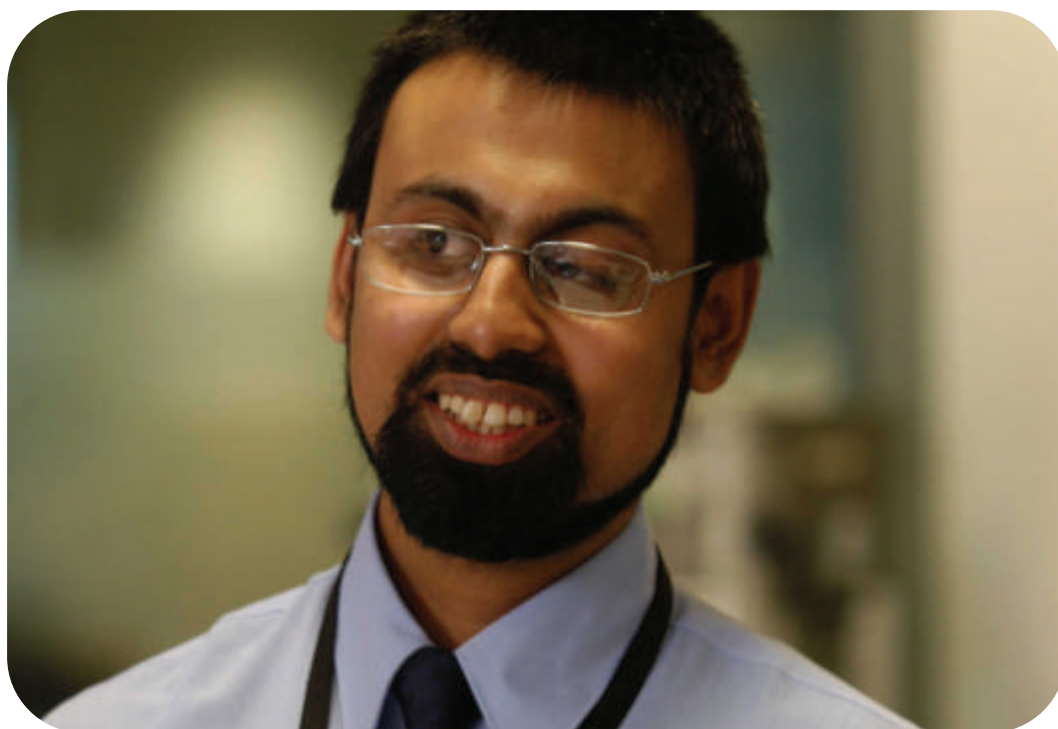
I work for Xerox as a finisher. That means I have to bind the documents together. I started here in August 2005.

I find job interviews hard because I get nervous. So it's good to have someone with me in case I make a mistake and if I forget something they can help me. I was pleased that I was allowed to have a supporter at my interview with Xerox. The questions they asked me in the interview were quite easy. They asked me about what I did in my last job.

After the interview they brought me to the print room and showed me how to do the job, like doing punching and wires. I showed them how I would do it and they were pleased with how I did it.

When they offered me the job they said I was on a work trial to see how I got on, to see if I was capable of doing it or not. After 4 weeks as a trial period they took me on as a part-time permanent person and now they have made me a full-time person.

I think employers should do this. For people with a learning disability like me, it means that I can show what I'm capable of doing. Before I worked here I gave my CV to over 100 places and they said they would contact me and no one ever contacted me. I found it really difficult. They always took someone else. I was getting fed up. I think Xerox gave me a fair chance.



A fair interview – how to ask for changes

- Tell the people who are interviewing you about your learning disability.
- If you want to, you can take a supporter to the interview.
- You could ask for a practical test in the work place rather than a formal interview or a written exam.
- You could ask for the interview to be longer than usual.
- You could ask for a **work trial**. This is where you try out the job for about 8 weeks to see if it is going to work out. This is sometimes called an **on-the-job interview**.

Do not forget: an employer **cannot** refuse to give you an interview or a job **because of** your learning disability. This could be against the law.

If an employer will not give you a fair chance at interview, this could be discrimination. You should call the Equality and Human Rights Commission helpline to find out what to do next. The phone numbers are at the back of this booklet.

Nicky's story

– changes to the job

I have been working at Royal Mail since June 2005. I do an 8 hour shift, I start at 6 am. I am a postman. I told Royal Mail that I had a learning disability. So they made some changes to the job for me.

I did the same round every day for about 3–6 months. For me it was important to do the same round. I do my round and work at a depot near where I live to make it easier.

I found it easy to learn the route and I know the area because it's where I live. It's a local sorting office – you don't want to take time out getting lost.

Because I don't have the best co-ordination and reflexes, Royal Mail gets people to help me in the office if I need it.

I was out of employment for a while and then this came up. I enjoy meeting people from different walks of life. You get customers who want to have a chat with you. I enjoy my job and I want to stay.

I think people with disabilities shouldn't be denied a job. It's important for employers to make changes. The changes they have made have helped me.

Changes to the job – how to ask for changes

- Tell the employer about your learning disability.
- If there are small parts of the job that would be too hard, ask if you can do the tasks you know you can do. Sometimes this is called **job carving**.



- If it would make things easier for you, ask if you can do some parts of the job in a different way.
- You could ask for a **job share**. This could mean that somebody else does the things you find more difficult.
- Ask for a **work trial**. This is where you try out the job for about 8 weeks to see if it is going to work out. This is sometimes called an **on-the-job interview**.

Do not forget: an employer **must** think about making changes to an interview or job if you are finding something difficult **because of** your disability. This is the law.

If an employer will not make changes that would mean you could do a job, this could be discrimination. You should call the Equality and Human Rights Commission helpline to find out what to do next. The phone numbers are at the back of this booklet.

Nicola's story

– moving on in a job

I have been working here at the London Borough of Sutton for 4 years. I work full time in a call centre, logging internal IT calls and taking parking payment calls from members of the public.

I started off by just taking IT calls. Then I asked my manager if I could take some more calls and we said we would try parking calls. I just wanted a change and more variety in my job.

I am working for an Institute of Customer Services (ICS) award. I started it just over a year ago. My manager is allowing me more time to complete it. Once I have completed it there will be an interview to talk about the things I've learned.

I also train other people on how to do my job, when new people start or when people come on work experience. I really enjoy training other people. I got a pay rise when I started to do this work because it was a new part of the job.

I think I would like to develop my job in the future. I think the ICS award will make me better at doing my job because you have to think about how you have worked with people and different ways you can improve. If I get the chance to move to the next level I would like to do that.

Moving on in a job – how to ask for changes

- Tell your boss that you would like to try new things.
- Ask for changes to training to make it easier for you to take part and learn new things. You could take a longer time to do a training course.



- Ask for progress meetings where you talk about the new things you are learning.
- Ask if you can take on some smaller responsibilities at first instead of a whole new job.

Do not forget: an employer **cannot** refuse to give you a chance to progress at work and earn more money. This could be against the law.

If an employer will not make changes that would help you to try new things, this could be discrimination. You should call the Equality and Human Rights Commission helpline to find out what to do next. The phone numbers are at the back of this booklet.

Brian's story

– taking his employer to a tribunal

I got a job in a fast food restaurant working in the kitchen. Before I started the job, I told my employer that because of my learning disability I find numbers difficult. This means that working on the tills would be hard for me, especially at busy times. My employer agreed that my job would be only to work in the kitchen. This change to the job was a reasonable adjustment because of my learning disability.

When I started work, my boss said that I should try working on the tills. I was worried about this and explained to my boss that I would be no good. But I didn't want to get into trouble or lose my job. So in the end I worked on the tills, like I was told.

As soon as I started working on the tills, I started to make mistakes. I got into trouble with my boss because I took the wrong money for food. After this had happened a few times, I got sacked. I was very upset and thought it wasn't fair.

My family got support from the Disability Rights Commission. We took my employers to a tribunal. We said that I had asked for changes to my job because of my learning disability, but they hadn't happened. This means that my employers could have been breaking the law.

On the day of the tribunal, my employers asked if I would accept some money instead of carrying on with the case. I agreed to this. This means that the case was stopped before anybody won or lost.



Don't forget: if an employer agrees to make changes for you because of your disability, they **must** make those changes. If they don't, this could be discrimination. You could take your employer to a tribunal if they don't make the changes they have agreed to.

You should call the Equality and Human Rights Commission helpline to find out what to do next. The phone numbers are at the back of this booklet.

The names in this case study have been changed.

Have you had a problem at work?

If you have a problem at work related to your disability you should talk to your employer.

- Ask to meet your employer. You could take a supporter with you.
- Talk about the problems you have at work.
- Say how you think changes to the job might help. You could show your employer this booklet.
- Your employer could talk to people at Jobcentre Plus about making changes to your job. Or they could phone the Equality and Human Rights Commission helpline.
- At the end of the meeting ask your employer to write down what you agreed.



What happens next?

If the problem is still not solved and you still think you have been discriminated against, you should call the Equality and Human Rights Commission helpline. The phone numbers are at the end of this booklet. The helpline will talk to you about taking a legal claim against your employer. They will tell you about organisations who can help you do this.



Who else can provide advice?

Equality and Human Rights Commission

Please see back cover for contact details of our helplines.

You can also write to us at the following addresses:

England

Equality and Human Rights Commission
FREEPOST RRLG-GHUX-CTR
Arndale House
The Arndale Centre
Manchester M4 3AQ

Scotland

Equality and Human Rights Commission
FREEPOST RRLG-GYLB-UJTA
The Optima Building
58 Robertson Street
Glasgow G2 8DU

Wales

Equality and Human Rights Commission
FREEPOST RRLR-UEYB-UYZL
3rd Floor
3 Callaghan Square
Cardiff CF10 5BT

**The Learning Disability Helpline – run by Mencap
(England only)**

Telephone: 08088 081 111
Textphone: 08088 088 181
Email: help@mencap.org.uk
Fax: 0121 707 3019

You can contact the Helpline 24 hours a day. If an adviser is not there to take your call you can leave a message and they will get back to you.

If you would like to write to the Helpline you can send a letter to this address:

Learning Disability Helpline
123 Golden Lane
London EC1Y 0RT

ACAS

Provides information on your rights at work.

ACAS National
Brandon House
180 Borough High St
London SE1 1LW

National Office switchboard: 020 7210 3613
Helpline: 08457 474 747
Textphone: 08456 061 600
Website: www.acas.org.uk

Advocacy Resource Exchange (ARX)

An advocate is like a supporter. ARX offers services to help people to understand advocacy or to find an advocate if they need one.

162 Lee Valley Techno Park
Ashley Road
London N17 9LN

Telephone: 08451 228 633
Website: www.advocacyresource.net

Benefits Enquiry line

The Benefits Enquiry Line is a confidential telephone service for people with a disability as well as their carers. This line gives general information about benefits and can help you when you are filling out forms.

9th Floor
Victoria House
Ormskirk Rd
Preston
Lancashire
PR1 2QP

Helpline: 0800 882 200
Textphone: 0800 243 355

DIAL UK

(Disability Information Advice Line)

DIAL UK is a national organisation which has a network of 130 local disability information and advice line services run by and for disabled people.

The website gives details of your nearest DIAL service. Or call the Head Office number and you can ask for the details of your nearest centre.

St Catherine's
Tickhill Rd
Doncaster
South Yorkshire
DN4 8QN

Head Office telephone number: 01302 310 123
Textphone (please use voice announcer): 01302 310 123
Website: www.dialuk.info

Down's Syndrome Association

DSA provides information and support for people with Down's syndrome and their families, carers and supporters.

Langdon Down Centre
2a Langdon Park
Teddington
TW11 9PS

Telephone: 08452 300 372

Fax: 08452 300 373

Email: info@downs-syndrome.org.uk

Website: www.downs-syndrome.org.uk

Enable Scotland

Enable Scotland campaigns and provides services to children and adults with a learning disability. They help young people and adults to have a say in the decisions which affect them.

6th Floor
7 Buchanan Street
Glasgow
G1 3HL

Telephone: 0141 226 4541

Fax: 0141 204 4398

Email: enable@enable.org.uk

Website: www.enable.org.uk

Jobcentre Plus

Look in your telephone directory for your nearest Jobcentre Plus. If you visit Jobcentre Plus you can talk to a Disability Employment Adviser.

Website: www.jobcentreplus.gov.uk

NACAB (National Association of Citizens Advice Bureaux)

You can find your local Citizens Advice Bureau in the phone book. Or call 020 7833 2181 for your nearest centre or log on to the website: www.adviceguide.org.uk

National Minimum Wage Helpline

This Helpline can tell you about the minimum wage. You can call them if you think you are being underpaid.

Helpline: 08456 000 678

People First

People First provides information on self advocacy.

Central England People First Limited
Eskdail House
Eskdail Street
Kettering
Northants
NN16 8RA

Telephone: 01536 515548

Email: northants@peoplefirst.org.uk

Website: www.peoplefirst.org.uk

Valuing People

The Valuing People Support Team offer advice to people who are trying to change services. They listen to people with a learning disability. They tell the Government what people are saying so the Government can change things.

Email: valuing.people.info@dh.gsi.gov.uk

Website: www.valuingpeople.gov.uk

Supported employment agencies

This is not a full list of all the agencies which offer a supported employment service. The British Association for Supported Employment (BASE) has a network of supported employment agencies and they will be able to give you details of the one nearest to you.

British Association for Supported Employment (BASE)

Unit 26 Severnside Trading Estate
Sudmeadow Road
Hempsted, Gloucester
GL2 5HS

Telephone: 01452 783596
Email: admin@base-uk.org
Website: www.base-uk.org

Employment Opportunities for People with Disabilities

Employment Opportunities has 20 centres throughout England, Scotland and Wales.

Crystal Gate, 3rd Floor
28-30 Worship Street
London EC2A 2AH

Telephone: 020 7448 5420
Minicom: 020 7374 4913
Email: info@eopps.org
Website: www.opportunities.org.uk

Home Farm Trust

Home Farm Trust runs a supported employment scheme operating in approximately 18 counties across England.

HFT Ltd
Merchants House
Wapping Rd
Bristol
BS1 4RW

Telephone: 01179 302 600
Email: info@hft.org.uk
Website: www.hft.org.uk

Mencap Pathway

Mencap Pathway finds opportunities for people with a learning disability. These include everything from work experience to full-time employment.

Unit 1 Ber-mar House
Rumer Hill Business Estate
Rumer Hill Road
Cannock
Staffordshire WS11 0ET

Telephone: 01543 460840
Email: jean.wood@mencap.org.uk
Website: www.mencap.org.uk

Papworth Trust

Papworth Everard
Cambridge
CB3 8RG

Telephone: 01480 357200
Email: info@papworth.org.uk
Website: www.papworth.org.uk

Remploy

Stonecourt
Siskin Drive
Coventry
CV3 4FJ

General enquiry Helpline: 0800 138 7656
Minicom: 02476 515 869
Employment Helpline: 0845 601 5878
Email: info@remploy.co.uk
Website: www.remploy.co.uk

Sabre Employment Ltd

Unit 1-3
Deptford Park Business Centre
Grinstead Rd
Deptford
London
SE8 5AD

Telephone: 020 8305 6060
Textphone: 020 8305 6066/67
Email: info@sabre-employment.co.uk
Website: www.sabre-employment.co.uk

Shaw Trust

Shaw Trust Head Office
Fox Talbot House
Greenways Business Park
Malmesbury Rd
Chippenham
Wiltshire
SN15 1BN

Helpline: 08456 023 628
Head office telephone: 01225 716 300
Website: www.shaw-trust.org.uk

United Response Head Office

113–123 Upper Richmond Road
London
SW15 2TL

Telephone: 020 8246 5200
Minicom: 020 8785 1706
Email: info@unitedresponse.org.uk
Website: www.unitedresponse.org.uk

This booklet was written with Mencap.

MENCAP

Understanding learning disability

It is supported by the following organisations:



Care Services Improvement Partnership **CSIP**



VALUING PEOPLE
Support Team

Disclaimer



Every effort has been made to make sure that the information in this booklet is correct. However, it is not intended to be an authoritative statement of the law. Neither its authors nor the Equality and Human Rights Commission, which has inherited this publication from the Disability Rights Commission, can accept any legal liability or responsibility.

Contact us

EMP21



You can find out more or get in touch with us via our website at www.equalityhumanrights.com or by contacting one of our helplines below.

Equality and Human Rights Commission helpline – England

 Telephone: 08456 046 610
 Textphone: 08456 046 620
Fax: 08456 046 630



9am–5pm, Monday to Friday, except Wednesday 9am–8pm

Equality and Human Rights Commission helpline – Scotland

 Telephone: 08456 045 510
 Textphone: 08456 045 520
Fax: 08456 045 530

9am–5pm, Monday to Friday, except Wednesday 9am–8pm

Equality and Human Rights Commission helpline – Wales

 Telephone: 08456 048 810
 Textphone: 08456 048 820
Fax: 08456 048 830

9am–5pm, Monday to Friday, except Wednesday 9am–8pm