

## **DISABILITY DISCRIMINATION**

If you have a medical condition which has lasted for 12 months or more (or is likely to last for 12 months or more) and which has a substantial effect on your ability to carry out normal day-to-day activities, you may qualify for protection under the Disability Discrimination Act (DDA). Examples of medical conditions which are usually considered to be disabilities are: **depression, deafness, blindness, wheelchair use, cancer, HIV, multiple sclerosis, etc.**

It is important to remember that you do not have to be registered disabled to be protected by the DDA. The DDA covers a wide range of medical conditions.

If you do have a disability, it is unlawful for your employer to unlawfully discriminate against you by either:

1. Directly discriminating against you by subjecting you to less favourable treatment (e.g. by dismissing you or demoting you or by failing to extend sick pay for you) because of your disability.
2. Failing to make reasonable adjustments to help you to do your job. Reasonable adjustments include: installing wheelchair access, providing hearing loops, reducing your working hours or responsibilities, providing you with a job-share partner, offering you redeployment, etc.
3. Victimising you, e.g. by bullying you for raising an issue of disability discrimination.

If you wish to bring a claim for disability discrimination, you will usually need to pursue a grievance first with your employer – if you do not, the Employment Tribunal may not consider your claim.

### **Who can I claim against?**

If you are unlawfully discriminated against, you can bring a claim against the person who has discriminated against you (e.g. a co-worker or your boss) and you can also bring a claim against your employer (e.g. for failing to stop the discrimination from occurring).

(see also our separate factsheet on bullying and harassment)

### **Who can bring a claim for unlawful discrimination?**

There is no requirement for you to have been employed by your employer for any length of time before you can bring a claim for unlawful discrimination. In fact, there is no need for you to actually be an employee. You can bring a claim for unlawful discrimination if you are:

- A job applicant (e.g. if you are turned down for a job because of your disability)
- An employee (even if you are in the first day of your employment)

- A worker (i.e. you are not an employee but are still providing services to your “employer”, e.g. as a self-employed contractor)
- An ex-employee and, for example, your ex-employer refuses to provide a reference for you because you complained of unlawful discrimination whilst you were still an employee.

### Remedies

If you have been unlawfully discriminated against, an Employment Tribunal may award you compensation. This is usually for any losses you may suffer (e.g. lost wages if you are dismissed) and an award for injury to feelings. **There is no limit on the amount of compensation that can be awarded for unlawful discrimination.**