



# **MINDFUL EMPLOYER<sup>®</sup>**

## **The Disability Discrimination Act: Reasonable Adjustments**

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# THE DDA: REASONABLE ADJUSTMENTS

The Disability Discrimination Act (1995) places a duty on employers to make reasonable adjustments to enable disabled people to obtain and keep employment. What constitutes reasonable adjustment is judged by how far it deals with disadvantage, the cost of the adjustment, the resources of the employer and the availability of assistance or specialist help.

This list below is adapted from studies of the workings of the Americans with Disabilities Act as reported in *The Journal of the Californian Alliance for the Mentally Ill* (Maida, P. Mediation and Reasonable Adjustments, JCAMI, 38 p40).

This document is not a statement of the law but simply offered as some ideas and issues to consider when providing the right support for people experiencing mental ill health.

## 1) Schedule Modification

- ✓ allowing more frequent breaks
- ✓ allowing workers to allocate their break time according to their own needs, rather than by a pre-determined schedule
- ✓ allowing workers to shift schedules earlier or later
- ✓ allowing workers to take a prolonged lunch break to attend a support meeting (e.g. AA)
- ✓ allowing workers to use paid or unpaid leave for appointments related to their health
- ✓ allowing an employee to work part-time temporarily (e.g. when first returning from absence)

## 2) Job modification

- ✓ arranging for job sharing
- ✓ re-assigning tasks among workers
- ✓ re-assignment to a vacant position

## 3) Environment modification

- ✓ providing an enclosed office
- ✓ providing partitions, room dividers, or otherwise enhancing soundproofing and visual barriers between workspaces
- ✓ offering a reserved parking space (e.g. to workers with phobias or anxiety disorders)
- ✓ blocking noise (e.g. by reducing the pitch or volume of telephone rings)
- ✓ increasing "personal space"
- ✓ positioning the worker as far away as possible from noisy machinery

## 4) Policy Changes

- ✓ extending additional paid or unpaid leave during a hospitalisation or other absence
- ✓ allowing additional time for workers to reach performance milestones
- ✓ extending the probationary period
- ✓ allowing an employee to make phone calls during the day to personal or professional supports providing private space in which to make such phone calls
- ✓ providing a private space for employees to rest, cry, or talk with supportive co-workers
- ✓ allowing an employee to work at home
- ✓ allowing workers to consume fluids at their work stations throughout the work day (e.g., if needed due to medication side effects)

## 5) Providing Human Assistance

- ✓ allowing a job coach to come to the work site
- ✓ participating in meetings with the worker and his or her job coach or other employment service provider
- ✓ paying for part or all of the net costs of a job coach

## 6) Providing Technological Assistance

- ✓ providing a personal computer to enable an employee to work at home or at unusual hours
- ✓ providing software that allows the worker to structure time and receive prompts throughout the workday

## 7) Special Supervisory Considerations

- ✓ offering additional supervisory sessions
- ✓ offering additional training or instruction on new procedures or information
- ✓ offering information and training in the worker's preferred mode (verbally, visually, written or experiential)
- ✓ insuring the supervisor is available throughout the work day
- ✓ re-assignment to another supervisor

## 8) Proactive Steps That May Make The Overall Work Environment More Accommodating Of People With Psychiatric Disabilities

- ✓ offering specialised training to help employees advance and achieve promotions
- ✓ creating and advertising permanent, part time positions
- ✓ modifying a job description to suit an employee's unique talents and limitations
- ✓ specifically stating that employees may use sick leave for physical or mental reasons
- ✓ training supervisors to customise their management style
- ✓ training supervisors to temper negative feedback by providing positive feedback simultaneously
- ✓ training co-workers to increase their sensitivity to the experiences of persons with disabilities
- ✓ assigning a co-worker to act as "buddy" or "mentor"
- ✓ establishing incentives for co-workers to serve as "buddies" or "mentors".

*Source: Bob Grove et al, IAHSF King's College London*

Funding for some of the above may be available through Access to Work – contact the nearest Jobcentre Plus office for more details.

There's lots of very helpful information for employers, employees and job applicants at Dept for Work & Pensions ([www.dwp.gov.uk](http://www.dwp.gov.uk)), ACAS ([www.acas.org.uk](http://www.acas.org.uk)), CIPD ([www.cipd.co.uk](http://www.cipd.co.uk)) and the Health & Safety Executive ([www.hse.gov.uk](http://www.hse.gov.uk)) who have produced valuable resources about stress at work, health and employment, related legislation and good practice.