



MINDFUL EMPLOYER[®]

The Equality Act 2010: Reasonable Adjustments

MINDFUL EMPLOYER
Workways, New Leaf, Farm House Rise, Exminster, Exeter EX6 8AB
01392 677064 info@mindfulemployer.net

www.mindfulemployer.net

THE EQUALITY ACT 2010: REASONABLE ADJUSTMENTS

Guidance from the Equality & Human Rights Commission states, 'Equality law recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker. This is the **duty to make reasonable adjustments**.

'The duty to make reasonable adjustments aims to make sure that a disabled person has the same access to everything that is involved in getting and doing a job as a non-disabled person, as far as is reasonable. When the duty arises, employers are under a positive and proactive duty to take steps to remove or reduce or prevent the obstacles a disabled worker or job applicant faces.'

Here are some ideas and issues to consider when providing the right support for people experiencing mental ill health¹:

1) Changes to work schedule

- ✓ 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 (including counselling)
- ✓ 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)
- ✓ adjust sickness absence trigger points

5) Help from other people

- ✓ 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
- ✓ allowing/inviting healthcare professionals in to meetings to plan return to work and review meetings (with employee's agreement and consent)

6) 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 1:1 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/line manager is available throughout the work day
- ✓ re-assignment to another supervisor/line manager

8) Other proactive steps

- ✓ offering specialised training to help employees advance and achieve promotion
- ✓ 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/line managers to customise their management style
- ✓ training supervisors/line managers 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".
- ✓ training colleagues in Mental Health First Aid or other mental health awareness
- ✓ commissioning an Employee Assistance Programme or other assistance such as MINDFUL EMPLOYER Plus

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 helpful information for employers, employees and job applicants at Equality & Human Rights Commission (www.equalityhumanrights.com), ACAS (www.acas.org.uk), CIPD (www.cipd.co.uk) and the Health & Safety Executive (www.hse.gov.uk) who have produced valuable resources about stress at work, health and employment, related legislation and good practice.

And lots of information and downloadable documents at www.mindfulemployer.net

ⁱ Adapted from: Bob Grove et al, IAHSF King's College London. 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).