

EMPLOYMENT AND DIABETES ADVOCACY PACK

YOUR RIGHTS AT WORK

Facing problems at work can be daunting, especially if the problem involves discrimination.

Under the Equality Act 2010 it is against the law for your employer or prospective employer to discriminate against you because of a disability.

This pack provides information and guidance about possible discrimination, your rights as an employee with diabetes and gives further sources of advice and information.

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Contents

How am I protected against discrimination at work?	3
What is the Equality Act 2010?	3
What is a disability under the Equality Act?	3
Is diabetes considered a disability under the Equality Act?	3
Is there any special protection in the workplace for disabled people?	4
What types of discrimination are unlawful under the Equality Act?	4
Direct discrimination	4
Discrimination based on association	4
Indirect discrimination	4
Discrimination arising from a disability	4
Harassment	5
Victimisation	5
Discrimination based on perception	5
Failure to make reasonable adjustments	5
My employer has to consider reasonable adjustments, what does that mean?	5
What counts as a substantial disadvantage?	6
Is the adjustment I am asking for reasonable?	6
Is my employer responsible for discrimination by other employees?	6
Job recruitment and advertising	6
Can a prospective employer ask me questions about my health or disability before they offer me a job?	7
Do I need to provide my employer with all of my medical records or allow my employer to contact my GP?	7
Can my employer insist I see a medical adviser?	8
What are my rights to time off work?	8
What is disability leave?	9
I am being made redundant, what are my rights?	9
What are my rights with disciplinary, capability and dismissal hearings?	9
Do I have the right to be accompanied by a family member?	9
When can my employer dismiss me?	9
Health and safety in the workplace	10
I think I am being discriminated against, what can I do about it?	10
Deal with the complaint informally	10
Use the grievance procedure	10
Use the questions procedure	10
Make a claim to the employment tribunal	11
Who can represent me at tribunal?	11
Sources of support and information	12
About Diabetes UK	14
Feedback form	15

How am I protected against discrimination at work?

The Equality Act 2010 says what types of discrimination are illegal and defines what sort of situations may be considered discrimination.

What is the Equality Act 2010?

The Act contains the principles that employers should follow in their treatment of people with disabilities. You may need to refer to these principles in discussions with your employer.

Disability discrimination law does not work on the principle of treating everyone the same, but rather on the understanding that because of the difficulties many people with a disability face, they may have to be treated more favourably to ensure equal treatment.

The Equality Act brings together all previous UK discrimination law and adds some new protections. The Act replaced previous discrimination legislation, such as the Disability Discrimination Act 1995. The Equality Act applies in England, Scotland, and Wales and the majority of the provisions of the Equality Act came into force on 1 October 2010.

In Northern Ireland, the Disability Discrimination Act 1995 still applies. Most of the information in this pack is not applicable to Northern Ireland. For further information on disability equality in Northern Ireland contact the Equality Commission for Northern Ireland or contact us at the Advocacy Service for advice and support (see 'Sources of Support and Information' at the end of this pack for details).

What is a disability under the Equality Act?

The Equality Act 2010 defines a disability as a physical or mental impairment that has a substantial long-term negative effect on a person's ability to carry out normal day-to-day activities.

Substantial disadvantage is defined in the Act as any negative effect that is more than minor or trivial. An impairment is long-term if it has lasted for twelve months or is expected to last for twelve months or longer.

Each part of this definition must be satisfied in order for someone to be considered disabled within the meaning of the Act. Disabilities are defined in the Act by their impact on the person rather than the diagnosis of the impairment.

If taking medication to treat an impairment, the decision on whether a person has a disability is based on how the impairment would affect that person

without taking medication. Therefore, when asking whether diabetes fits the definition it is the effect of untreated diabetes that should be considered. This applies when considering other treatments or aids, but not for glasses or contact lenses.

Is diabetes considered a disability under the Equality Act?

The definition of disability in the Equality Act treats each person as an individual, so ultimately only a court or tribunal can decide if a person is covered by the definition. Often people with diabetes do not think of themselves as having a disability, but in many cases people with diabetes will be covered by this definition of disability. This is because diabetes is a life-long condition, and it can seriously affect a person's ability to do normal day-to-day things. When you are considering whether you are covered by the definition you must think about the effect of your diabetes on your day-to-day life. If your diabetes makes it more difficult for you to do day-to-day things then you are likely to be covered.

Example

In the case of someone with diabetes which is being controlled by medication or diet, whether or not the effect is substantial should be decided by reference to what the effects of the condition would be if he or she were not taking that medication or following the required diet.

Office for Disability Issues: Equality Act 2010 Guidance (published 2010)

Unfortunately, people with diabetes do sometimes face discrimination in the workplace, so the definition is there to protect their rights. Discrimination based on diabetes is often because of ignorance of the condition. One reason for this is that diabetes is not usually a 'visible' disability and employers may not understand its nature and treatment.

The Equality and Human Rights Commission (EHRC) has issued *Guidance for Employers* and *Guidance for Workers* on the Equality Act which provides information on what the law means in practice, including many practical examples. There are seven guides for workers which are available on the Commission's website, including guides on recruitment, pre-employment health questionnaires, working hours, pay and benefits, training, development and promotion, managing workers, dismissal, and redundancy and retirement.

For a more detailed description of the legislation and to see the Act itself, go to the Equality and Human Rights Commission website. For contact details see 'Sources of Support and Information' at the end of this pack.

Is there any special protection in the workplace for disabled people?

Disability discrimination is a vast area. The Equality Act makes it unlawful for an employer to discriminate against people because of their disability. The Act offers protection in a number of different areas, of which employment is one. This protection applies to every stage of the recruitment process; terms and conditions of employment; opportunities for promotion; training, or any other benefit and selection for redundancy or dismissal. The Act applies to all employers of whatever size except the armed forces who are exempt from the Act.

What types of discrimination are unlawful under the Equality Act?

There are several types of discrimination under the Equality Act.

Direct discrimination

Direct discrimination happens when a person with a disability is treated less favourably, because of his or her disability, than a person who does not have a disability. Direct discrimination can never be legally justified. In order to show that you have been directly discriminated against, you must show that the way you were treated was less favourable compared with how a person who did not have diabetes would have been treated in the same situation. Therefore it is unlawful for an employer to treat a disabled job applicant or an existing employee less favourably, simply because of their disability.

Discrimination based on association

Direct discrimination can also happen when someone without a disability is treated less favourably because that person is associated with a person with a disability.

Example

An employer selects a person for redundancy not because they meet the selection criteria, but simply because they have a disabled child and the employer believes they may need time off to care for their child.

Equality and Human Rights Commission Guide: Your Rights to Equality at Work; Dismissal, Redundancy, Retirement, and After You have Left a Job (2010)

However, this definition of discrimination does not give an automatic right to time off to care for disabled relatives.

Indirect discrimination

Indirect discrimination happens when an employer applies a provision, criterion or practice that applies to people with diabetes and to those without, but which puts people with diabetes at a substantial disadvantage compared to those without diabetes.

Provision, criterion or practice is a deliberately broad term. It includes written and unwritten policies and the way a particular employer generally gets things done.

Substantial disadvantage is defined in the Equality Act as any disadvantage that is more than minor or trivial. Ultimately it is up to a court or tribunal to decide if a disadvantage is substantial.

To prove that you have been indirectly discriminated against, you must show that because your employer applied a provision, criterion, or practice you have suffered a substantial disadvantage compared with someone who does not have diabetes. You must also show that other people with diabetes would suffer the same disadvantage as you.

A policy that has not yet been applied could still be an example of indirect discrimination. The policy is still discriminatory if it would put you and other people with diabetes at a disadvantage if it were applied, **and** you have been prevented from doing something because of this.

A policy that puts people with diabetes at a disadvantage is not indirect discrimination if the service provider can show that the policy or practice is 'a proportionate means of achieving a legitimate aim.' This means that the employer would have to show that the reason for the indirect discrimination was more serious than the impact of the indirect discrimination on the employee and that there was no reasonable adjustment that could have avoided it. (See page x for more information about reasonable adjustments.)

Discrimination arising from disability

Discrimination arising from disability happens when a person with a disability is treated unfavourably not because of his or her disability but because of something caused by his or her disability. This only applies if the employer knows or could **reasonably** have been expected to know that the person is a disabled person. Discrimination arising from disability was not included in previous discrimination law, but was included in the Equality Act to strengthen protections for people with disabilities.

To prove discrimination arising from disability you must show that you have been treated unfavourably and that this unfavourable treatment was because of something that was a consequence of your diabetes. You do not have to compare your treatment to the treatment of someone who does not have diabetes.

It will not be discrimination arising from disability if employers can show that what they have done is objectively justified. This means that they will have to show that their actions are 'a proportionate means of achieving a legitimate aim.'

Example

An employer dismisses a worker because she has had three months' sick leave. The employer's decision to dismiss is not because of the worker's disability itself. However, the worker has been treated unfavourably because of something arising in consequence of her disability (namely the need to take a period of disability-related sick leave).

Equality and Human Rights Commission Guide: Equality Act 2010 Statutory Code of Practice Employment

Harassment

Harassment happens when the behaviour of a person or organisation in relation to diabetes creates an intimidating, hostile, degrading, humiliating, or offensive environment for someone with diabetes. This can include abuse, jokes, banter and gestures. Harassment at work is sometimes linked to bullying.

Victimisation

An employer must not treat a disabled person less favourably because they have complained about discrimination or raised a grievance under the Equality Act, or helped a colleague with a complaint about discrimination, or because the employer thinks they may raise a grievance.

Discrimination based on perception

This is a form of direct discrimination when someone without a disability is treated less favourably because that person is perceived to have a disability or is perceived to be associated with a person who has a disability.

To prove this discrimination based on association or perception, you must show that your treatment was less favourable compared with the treatment of a person who was not associated with a person with a disability (or perceived to have a disability, or perceived to be associated with someone who has a disability).

Failure to make reasonable adjustments

This is a key provision in the Equality Act. An employer has a duty under the Act to make reasonable adjustments to prevent a disabled employee from being placed at a substantial disadvantage. The duty falls into three categories:

- Where the employer applies a provision, criterion or practice which puts a disabled person at a substantial disadvantage compared with people who are not disabled. (Provision, criterion or practice covers anything the employer does which affects the person, including any policies).
- Where a physical feature puts a disabled person at a substantial disadvantage compared with people who are not disabled. (A physical feature includes internal and external features).
- Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage compared with people who are not disabled. (An auxiliary aid is something which provides support or assistance).

My employer has to consider reasonable adjustments – what does that mean?

Reasonable adjustments can take many different forms and there is no set list of what adjustments might be because every situation will be different. For many people, a few minor adjustments are all that is needed. Depending on the circumstances, examples of reasonable adjustments (changes) might be:

- providing necessary equipment
- being flexible about working hours (eg flexi time, job share, starting later or finishing earlier)
- modifying duties
- transferring to a suitable role within the organisation
- allowing time off during working hours (eg for treatment, assessment, rehabilitation).
- alterations to premises (eg ramps, disabled toilets, reserved parking spaces)
- changing practices, policies and procedures (such as allowing more breaks to eat a snack or accommodating a higher level of sickness absence which is related to the disability).

Example

A disabled person has to eat at set times to manage their blood sugar for their diabetes, which is only possible by taking their breaks at slightly different times (and therefore working slightly different hours) from those that usually apply within an organisation.

This does not have a negative impact on the worker's ability to do the job; quite the opposite, it removes a barrier which would otherwise stop them doing the job. If this is a reasonable adjustment, the employer must allow the change in hours.

Equality and Human Rights Commission Guide: Your Rights to Equality at Work: Working Hours, Flexible Working and Time Off (2010)

Example

An employer allows a disabled person who has recently developed a condition to have more time off work than would be allowed to non-disabled workers to enable them to have rehabilitation. A similar adjustment would be appropriate if a disability worsens or if a disabled person needs occasional treatment anyway.

Equality and Human Rights Commission Guide: Your Rights to Equality at Work: Dismissal, Redundancy, Retirement, and After You have Left a Job (2010)

What counts as a substantial disadvantage?

The law does not define 'disadvantage' but it relates to barriers or obstacles which make it difficult for someone to get a job or progress in a job. However it does define substantial as being more than minor or trivial.

Is the adjustment I am asking for reasonable?

An important obligation on every employer is a requirement to consider making adjustments in order to remove the disadvantage workers may face at work compared with non-disabled colleagues. This applies whether the disabled person is starting a new job or continuing employment. The duty is to make adjustments that are reasonable, so what will be reasonable for one employer with a few employees may differ compared to the adjustments that might be considered reasonable for a large employer to make.

What is reasonable will vary from one situation to another and will depend on the individual

circumstances. To comply with the Equality Act, the adjustments which the employer has to consider are adjustments that would be considered reasonable, in the employer's circumstances, to ensure that disabled people are not placed at a substantial disadvantage (please see previous paragraph 'What counts as a substantial disadvantage'). However, an employer is allowed to argue that an adjustment is unreasonable in their particular circumstances. 'Reasonable' is not defined in the Act but means that the actions taken by the employer would be seen as reasonable by a tribunal considering a number of factors. These factors include:

- type of business and size of the employer
- how much it would cost the employer to make the adjustment
- how practical it is to make the adjustment
- how much disruption making the adjustment would cause
- how successful it will be in preventing a disadvantage.

Is my employer responsible for discrimination by other employees?

Employers are legally responsible for acts of discrimination, harassment and victimisation carried out by their employees in the workplace if the employee was acting in the course of their employment (while they were doing their job). This is still the case, even if the employer did not know about the discrimination and did not approve it. However if an employer can show that they took reasonable steps to prevent discrimination in the workplace they will not be held liable.

Job recruitment and advertising

Unless there is a genuine occupational requirement or health requirement that the disabled person does not meet, it is unlawful for an employer to treat a person less favourably than others on the grounds of disability when advertising jobs or during the recruitment process. However, an employer can ask if you have a disability so they can make special arrangements for you to attend an interview. There is no obligation on an employer to show that they have selected the best candidate for the job. However, best practice recommends employers keep records that allow, if challenged, the employer to justify their decisions to select particular candidates and reject others.

Employers need to be able to show that each selection is based on objective evidence of a person's ability to do the job satisfactorily and not on

assumptions or prejudices about race, gender, disability, sexual orientation, religion or belief, age, gender reassignment or pregnancy and maternity. An employer is unlikely to tell you that they rejected you for these reasons, but if you believe there is evidence of discrimination, you may be able to take a case to an employment tribunal.

Can a prospective employer ask me questions about my health or disability before they offer me a job?

Questions about health issues before an interview can concern people with a disability as they are thought to be one of the reasons that disabled applicants do not get interviews or jobs. Under the Equality Act employers are generally not allowed to ask questions about health or disability, including about previous sickness absence, before they make a job offer or before they include the person in a pool of people to be considered for a job offer in the future. Once a person has passed the interview and they have been offered a job the employer is then allowed to ask appropriate health-related questions to ensure the person is able to do the job.

Breaching this provision is not in itself disability discrimination, but if you believe the employer asked a disability-related question they are not allowed to, and you did not get the job because of the information you gave, you can bring a claim against them. However an employer is allowed to ask health-related questions in certain circumstances, for example when:

- It is an occupational requirement for certain jobs to have a specific impairment.
- The employer is asking for monitoring purposes (and where the information is kept separately from the people involved in recruitment).
- The employer wants to improve disabled people's chance of getting employment, eg the guaranteed interview scheme for disabled people (disabled people are guaranteed an interview if they meet the minimum qualifying criteria for the job).
- The question asked is relevant to find out if the person can carry out tasks that are an essential part of the job.
- The employer is asking the questions to find out if there are any reasonable adjustments needed for the recruitment process, for example for the interview or for an assessment.
- For the purposes of national security checks.

Example

A construction company is recruiting scaffolders. The company can ask about health or disability on the application form or at interview if the questions relate specifically to an applicant's ability to climb ladders and scaffolding to a significant height. The ability to climb ladders and scaffolding is intrinsic or fundamental to the job.

Equality and Human Rights Commission Guide: Your Rights to Equality at Work: Dismissal, Redundancy, Retirement, and After You have Left a Job (2010)

If you are asked whether you have a health condition or disability on an application form or in an interview you may need to think about whether this is allowed at that stage in the recruitment process.

The Equality and Human Rights Commission (EHRC) can take legal action against an employer if they ask job applicants health or disability related questions that are not allowed. If someone applying for a job believes that this has happened, they can contact the Equality Advisory Support Service (EASS), who can refer this to the EHRC. However, whilst legal action can be taken against employers in these cases, any action will not be on behalf of the applicant, and the EHRC will not be in touch with the person over action taken. For contact detail for the EASS, please see 'Sources of Support and Information' at the end of this pack.

Do I need to provide my employer with all of my medical records or allow my employer to contact my GP?

An employer must get your written consent before they can approach your GP. Your GP should never release information about you to anyone without your written consent. If you agree to this then you will need to sign a consent form. The original copy of your consent form is then sent to the GP with a letter from your employer asking about your condition. You have the right to see what is in the report. Generally, if there is a fee involved, your employer would pay it.

There are no strict limits on what information your employer is permitted to request. However if you are requesting reasonable adjustments it is useful to provide sufficient information to establish your need for the reasonable adjustment. This does not mean that your employer requires to see any information from your medical records which are of no relevance to your diabetes and employment and you do not want them to access.

Can my employer insist I see a medical adviser?

Your employer cannot insist you visit a medical adviser unless it is part of your contract of employment. However it may be useful to see an occupational health adviser to consider if there are reasonable adjustments which could help.

What are my rights to time off work?

The law automatically gives you rights to take time off work in certain circumstances. This time off will not always be paid. Your contract of employment may give you extra rights and you should check your contract of employment to see what extra rights you have. If you do not have a written contract of employment, you may still have extra rights which have been verbally agreed with your employer or which have come about because of the way things are usually done in the workplace.

Employer's sickness absence policies can sometimes result in claims of disability discrimination on the grounds of less favourable treatment or because an employee feels that reasonable adjustments have not been made. If an employer treats time off taken by a disabled person, which is connected to their disability, in exactly the same way as they treat sickness absence taken by a worker who is not disabled; the worker may be more likely to be required to attend sickness absence monitoring interviews or be disciplined for frequent intermittent absences than their non-disabled colleagues.

Example

A disabled worker periodically requires a limited time off work to attend medical appointments related to the disability. The employer has an attendance management policy which results in potential warnings and ultimately dismissal if the worker's absence exceeds 20 days in any given 12-month period. A combination of the worker's time off for disability-related medical appointments and general time off for sickness results in the worker consistently exceeding the 20 day limit by a few days. The worker receives a series of warnings and is eventually dismissed. This is likely to amount to disability discrimination.

Equality and Human Rights Commission Guide: Equality Act 2010 Statutory Code of Practice Employment

Example

A worker who is a disabled person requires a day off every month for physiotherapy related to their condition. The employer records these days off as sickness absence. When the employer is deciding which staff to pay an annual bonus to, one of the tests is having had fewer than five days' sickness absence in the year. The disabled person is therefore not eligible for the bonus. They have been treated worse than other employees for a reason arising from their disability (the need to take time off for physiotherapy). To avoid this being unlawful, the employer must be able to objectively justify it instead of trying to objectively justify the application of the rule in this way, the employer decides to record the absence related to the worker's disability separately from ordinary sickness absence. The employer excludes these days from the worker's sickness absence record when working out eligibility for the bonus. Recording the leave separately like this would probably be a reasonable adjustment.

Equality and Human Rights Commission Guide: Your Rights to Equality at Work: Working Hours, Flexible Working and Time Off (2010)

Your employer does not have to pay sick pay beyond what they normally pay just because the time off is disability-related. But it may be a reasonable adjustment for example to allow more days off for disability-related reasons.

This can be a complex area and you should seek advice from a specialist agency. For more information please see 'Sources of Support and Information' at the end of this pack.

What is disability leave?

Some employers operate a disability leave policy. Disability leave may be for a long or short period of time, and may or may not be pre-planned, for example prior appointments or unpredicted disability-related absences. Disability leave does not apply to absence through sickness, whether it is related to a disability or not. There is no absolute right to disability leave, but it is an example of a reasonable adjustment in the Equality Act. Disability leave should not be taken into account when performance, promotion, attendance or selection for redundancy is being assessed.

As with all issues in connection with the Equality Act, each case will have to be considered on its facts.

I am being made redundant, what are my rights?

Your employer should generally use the same redundancy procedures for you as for any other employee. However, the selection process must be fair and balanced. There are two areas where your employer needs to be careful not to discriminate against disabled people.

The first is in establishing who should be selected for redundancy. For this process, selection criteria could potentially discriminate against a disabled person. For example, the employer may ask managers to assess employees against a chosen selection criterion, such as attendance and they could then make negative assessments of their disabled employees based on inaccurate assumptions, such as above average time off due to hospital appointments.

Your employer cannot dismiss you for taking time off work unless they have first gone through a standard dismissal and disciplinary procedure. If you are in this situation, you should talk to an experienced adviser straight away – for more information please see ‘Sources of Support and Information’.

The second area where discrimination could take place is during the consultation period normally carried out during a redundancy period. Your employer needs to check that the information you have been given is in an accessible format and that you have understood what is being done, so that you can take part fully in the process.

What are my rights with disciplinary, capability and dismissal hearings?

Before taking disciplinary action, it is important that the employer establishes that the cause is not due to any

reason related to someone’s disability. Disciplinary action on grounds not related to your disability, or which would have been the same even if reasonable adjustments had been made, is not likely to be discriminatory.

If you feel you have been unfairly disciplined you can appeal the decision. If you have new evidence you should present it at the appeal. If you believe the employer has not fully considered the mitigating factors you should re-state them.

Ask for a copy of the company discipline and grievance policy and procedure. Sometimes this is in the company handbook. The Advisory Conciliation and Arbitration Service (ACAS) sets out the key principles for handling disciplinary and grievance situations in the workplace in its Code of Practice on Discipline and Grievance Procedures. See ‘Sources of Support and Information’ at the end of this pack for ACAS contact details. The key principles in the Code are:

- Employers and employees should raise and deal with issues promptly.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts.
- Employers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Employers should allow employees to be accompanied at any formal disciplinary or grievance meeting.
- Employers should allow an employee to appeal against any formal decisions made.

Do I have the right to be accompanied by a family member?

The right to be accompanied does not extend to family members or friends. The right is to be accompanied by a colleague or a trade union official. An employee can ask their employer if someone other than a colleague or a trade union official can accompany them, but this may not be granted.

When can my employer dismiss me?

If no further reasonable adjustments can be made which would allow someone with a disability to perform better or to continue in the role, an employer has to consider moving the person to a more suitable job as an alternative to dismissal. But, if this is not

possible because the business is small, for example, dismissal may then be considered to have been fair.

If an employee has been absent from work for a long time and there is no effective reasonable adjustment that can be made, or an employee is unlikely to return to work in the foreseeable future, it may be appropriate for the employer to terminate the contract on the grounds of capability (not being able to do a job to the required standard). However, if the dismissal is being considered on the grounds of capability, this should only be done following careful discussion, expert advice and research of all possible reasonable adjustments. It may be more appropriate to offer to move a disabled person to a different role than to dismiss on the grounds of capability.

Health and safety in the workplace

There may be times when a particular job or task puts someone's health or safety at such risk that it is not reasonable for an employer to allow the risk. Under the Health and Safety at Work Act 1974, employers are responsible for ensuring the health, safety and welfare at work of all employees and others on their premises. However, health and safety should never be used as a false excuse for not employing or continuing to employ someone. If an employer has legitimate concerns about an employee's health and safety at work they should carry out an individual risk assessment.

Any risk assessment should look at the person's individual circumstances, including their diabetes management, their medication, the particular aspects of the job and the work environment. If the employer thinks there are particular health and safety concerns then, under the Equality Act, they should consider any reasonable adjustments that can be made to reduce the risk to an acceptable level.

An employer may need to use specialist staff to carry out the assessment. The assessment must:

- focus on the individual, not general assumptions about people with the condition
- consider the facts
- get individual specific medical advice
- include the person in discussions about how reasonable adjustments can be made.

If there is still an unacceptable risk, even if adjustments are made, the employer can dismiss someone or not employ them. It is the employer's decision about whether to employ, or continue to employ someone, but they must ensure that anyone involved in an assessment has considered all the relevant facts.

Further information on health and safety in the workplace can be found on the Health and Safety Executive website. See 'Sources of Support and Information' at the end of this pack.

I think I am being discriminated against, what can I do about it?

There are ways you can try to resolve the problem which could mean not having to go to tribunal:

- **Deal with the complaint informally**

You can ask for a meeting with your manager to discuss what has happened, what the effect has been and what you would like the employer to do. It is important that you have enough time and privacy to discuss the issue.

- **Use the grievance procedure**

You can make a formal complaint using your employer's grievance procedure. If your employer does not have a grievance procedure, you can contact the Advisory, Conciliation and Arbitration Service (ACAS) who have a standard procedure and can offer further advice. If you are unhappy with the outcome of the grievance procedure you have the right to appeal.

- **Use the questions procedure**

ACAS has developed non-statutory guidance on how to ask questions of employers in writing before proceeding to an employment tribunal. Remember that you need to leave them reasonable time to answer your questions and you should give a time limit to respond, eg 14 days. Although not statutory, it is advisable to follow the guidelines which are in six stages and may help you or your employer decide whether you still want to continue to an employment tribunal or to resolve matters:

www.acas.org.uk/media/pdf/m/p/Asking-and-responding-to-questions-of-discrimination-in-the-workplace.pdf

The question format is useful because it helps you to gather information to help support your case that may not be gained from other documents. Even if your employer refuses to answer the questions, this failure will be taken into consideration with other evidence and may help prove that discrimination has occurred.

For more information from ACAS please see the 'Sources of Support and Information' section at the end of the pack. Prior to the non-statutory questions procedure (6 April 2014), there was a statutory questionnaire – if your case is about events which happened before this date, please contact us for further guidance.

- **Make a claim to the Employment Tribunal**

If you can't sort out the issue with your employer, you can take action at an employment tribunal. It is important to consider whether there is a reasonable chance of success and whether it is right for you.

- You must submit a claim to the tribunal within three months (less one day) from the date you believe you were discriminated against.
- Your claim should be submitted to the Tribunal on a form ET1, which is available from the Employment Tribunals Service.
- If you have sent a grievance letter to your employer or raised an appeal then the time limit may in certain circumstances be extended by a further three months. (For information about the grievance procedure, see page 10).

If you think you may have a claim for discrimination, it is very important you seek further advice as soon as you think you have been discriminated against. For contact details of organisations that can help, please see 'Sources of Support and Information' at the end of this pack.

- **Who can represent me at Tribunal?**

Representation by a solicitor is not required. However disability discrimination cases can be complex and it may be helpful if you have legal advice and representation. Full legal aid is not available for employment tribunal cases. If you are a member of a trade union, your representatives should be able to advise about a claim and may be able to represent.

If you have a credit card, mortgage or contents insurance you may be insured for legal expenses, including advice and representation at a tribunal. For information about finding sources of advice, please see 'Sources of Support and Information' at the end of this pack.

Sources of support and information

Diabetes UK Advocacy Service

The Advocacy Service supports people to take action by providing information on rights and discussing possible action that can be taken.

Web: www.diabetes.org.uk/How_we_help/Advocacy

Email: advocacy@diabetes.org.uk

Telephone: 0345 123 2399*

Equality and Human Rights Commission (EHRC)

The EHRC is the independent statutory body established to help eliminate discrimination, reduce inequality and protect human rights. It provides information and guidance on discrimination and human rights issues, and has produced a series of guides on your rights to equality. The EHRC does not take on casework unless it is a test case. The Government has replaced the EHRC Helpline with the Equality Advisory Support Service (EASS).

Web: www.equalityhumanrights.com

Equality Advisory Support Service (EASS)

The EASS provides information, advice and support on discrimination and human rights issues to individuals in England, Scotland and Wales, recognising the constitutional, legal, social and policy differences.

Web: www.equalityadvisoryservice.com

Email: Using online enquiry form at www.equalityadvisoryservice.com/app/ask

Telephone: 0808 800 0082

Textphone: 0808 800 0084

Opening Hours: Monday – Friday 9am–8pm and Saturday 10am–2pm

Freepost address: FREEPOST EQUALITY ADVISORY SUPPORT SERVICE FPN4431.

Equality Commission for Northern Ireland

The Equalities Commission for Northern Ireland is an independent public body established to promote equality of opportunity and challenge discrimination.

They provide free, confidential advice and assistance on discrimination and human rights issues.

Web: www.equalityni.org

Email: information@equalityni.org

Telephone: 028 90 500 600

Textphone: 028 90 500 589 (for people who are hard of hearing or deaf)

Address: Equality Commission for Northern Ireland, Equality House, 7–9 Shaftsbury Square, Belfast BT2 7DP.

Advisory Conciliation and Arbitration Service (ACAS)

The Advisory, Conciliation and Arbitration Service help with employment relations issues and what employment rights legislation means in practice by supplying up-to-date information and independent advice.

They have a comprehensive website providing guidance on various issues, including employment relations and equality. They also provide clear, confidential, independent and impartial advice from their helpline to assist in resolving issues in the workplace.

Web: www.acas.org.uk

Telephone: 0300 123 1100 Monday to Friday, 8am–8pm, Saturday, 9am–1pm.

Text Relay Service: 18001 0300 123 1100 (for people with hearing or speech impairment).

Disability Rights UK

Disability Rights UK work to create a society where everyone with experience of disability or health conditions can participate equally as full citizens. They produce information, products and services developed by and for disabled people. They partner with the private and public sector, with the aim of improving business practices.

Web: www.disabilityrightsuk.org/contact-us

Email: enquiries@disabilityrightsuk.org

Telephone: 020 7250 8181

Address: Ground Floor, CAN Mezzanine, 49–51 East Rd, London N1 6AH.

Labour Relations Agency (Northern Ireland only)

The Labour Relations Agency provides impartial and confidential employment advice. It can also provide conciliation, mediation and arbitration services.

They have a comprehensive website providing guidance on various issues and a helpline.

Web: www.lra.org.uk

Email: info@lra.org.uk

Telephone: 028 9032 1442 Monday – Friday,
9am–5pm

Citizens Advice Bureau (CAB)

The Citizens Advice Bureau offers free, confidential, impartial and independent advice. Advisers can help fill out forms, write letters and negotiate with third parties. Some bureaux are able to represent clients at tribunal. The number of your local CAB will be in the phone book or you can also find your local CAB on their website. There is also a general telephone advice line:

Telephone: England: 03444 111 444
Wales: 03444 772 020

Web: www.citizensadvice.org.uk

Web: www.adviceguide.org.uk (online advice).

Trades Union Congress (TUC)

The TUC has a range of guidance for trade unions on equality which is available on the TUC website.

Web: www.tuc.org.uk

The Government Equalities Office

The Government Equalities Office (GEO) publishes information about current government equalities policy, including current equalities regulations. GEO does not provide advice.

Web: www.gov.uk/government/organisations/government-equalities-office

Email: Using online contact form on www.tools.culture.gov.uk/contactus/contactus.aspx

Telephone: 020 7211 6000 Monday to Friday
(Department for Culture, Media and Sport).

Civil Legal Advice (CLA)

The CLA can help you find legal advice and information from a range of sources, including Citizens Advice Bureaux, law centres, independent advice centres and high street solicitors across England and Wales. You can also find out more about legal aid and whether you might be entitled to financial help with your case. In some circumstances the CLA helpline can give you free advice about employment if you qualify for legal aid.

Web: www.gov.uk/civil-legal-advice

Telephone: 0345 3454 345

Law Centres Federation

The Law Centres Federation is the national co-ordinating organisation for a network of community-based law centres covering England, Wales and Northern Ireland. Law centres provide free and independent specialist legal advice and representation to people who live or work in their catchment areas. They are unable to give advice directly to the public but their site will help you find law centres near you for free advice and representation.

Web: www.lawcentres.org.uk

Email: using online enquiry form at www.lawcentres.org.uk/contact-us

Scottish Association of Law Centres

The Scottish Association of Law Centres is the national body for a network of community based law centres covering Scotland only. They are unable to give advice directly to the public but their site will help you find law centres near you for free advice and representation.

Telephone: 0141 561 7266

Address: SALC Secretary, Renfrewshire Law Centre,
65–71 George Street, Paisley PA1 2JY.

The Law Society

To find a solicitor who specialises in certain areas of law you can look up the Find a Solicitor section on the Law Society's website.

England and Wales: www.lawsociety.org.uk

Scotland: www.lawscot.org.uk

Northern Ireland: www.lawsoc-ni.org.uk

HMC Courts and Tribunals Service

The employment tribunal service operates a public enquiry line to answer queries, provide information about tribunal publications and explain how the tribunal system works. They cannot give you legal advice, such as advising you on your claim. Forms and information on how to make an employment tribunal claim are available on their website.

Web: www.justice.gov.uk/tribunals/employment

Telephone: 0300 123 1024

Minicom: 01509 221 564 (for people who are hard of hearing or deaf).

Disability Law Service (DLS)

The Disability Law Service provides specialist legal advice and information to disabled people, their family and carers. They may also be able to represent at employment tribunals but whether this will be available depends on the merits of the case.

Web: www.dls.org.uk

Email: advice@dls.org.uk

Telephone: 020 7791 9800 Monday – Friday,
10am–1pm and 2pm–5pm

Minicom: 020 7791 9801

Address: Disability Law Service, The Foundry,
17 Oval Way, London SE11 5RR E1 2BP

Disability Information and Advice Line (DIAL UK)

Dial UK can provide details of local DIAL offices which can give help and advice. Some local offices can provide representation or help to prepare a case but this will depend on the local office's situation.

Web: www.scope.org.uk/dial

Email: helpline@scope.org.uk

Telephone: 0808 800 333301302 310 123

Health and Safety Executive (HSE)

The Health and Safety Executive is the government agency responsible for protecting people against risks to health or safety arising out of work activities. They provide information and guidance on health and safety.

Web: www.hse.gov.uk

Please note that the inclusion of named agencies does not constitute a recommendation or endorsement by Diabetes UK. Whilst every effort is made to ensure accuracy, Diabetes UK cannot be held responsible for errors or omissions.

This information should not be considered a complete guide to the law, which also changes from time to time. It is provided for informative purposes and should not be treated as professional advice. Legal advice should always be taken if in doubt. Diabetes UK is unable to give legal advice.

About Diabetes UK

Diabetes UK is the leading UK charity that cares for, connects with and campaigns on behalf of all people affected by and at risk of diabetes. Diabetes UK is the charity for people with diabetes, their family, friends and carers.

Our advocacy service helps people to access information, understand their options and know their rights and entitlements about all aspects of living with diabetes. As well as providing advocacy to people with diabetes, the service is also available to friends, family and carers and prioritises those most vulnerable.

Useful contacts

Advocacy Service: 0345 123 2399

Diabetes UK website: www.diabetes.org.uk

Supporter Services: 0345 123 2399*

Diabetes UK Careline is here to help. For support on any aspect of diabetes please call 0345 123 2399*, Monday – Friday, 9am–7pm. Email Careline@diabetes.org.uk

*The cost of calling 0345 numbers is always the same as calling a local or national landline number.