

Dyslexia and your rights in the workplace

Chris White

South Westminster Legal Advice Centre

What are we going to cover?

What is your employment status?

What rights do you have as an employee?

What rights does the Equality Act give you?

What can you do if you are being discriminated?

**What type
of
employment
status do
you have?**

Employee

Worker

Self Employed

**How do I
tell? What
difference
does it
make?**

Your status depends on the nature of your work and not necessarily what the contract says

Employees have more rights, workers fewer rights and self-employed people the least rights

What statutory rights do you have as an employee?

paid holidays

be paid at least the National Minimum Wage

a written statement of the terms of employment

an itemised pay statement

maternity leave

pay in compensation for being made redundant

not be unfairly dismissed

What are employment contracts?

These can be written or orally agreed and work like a normal contract so can be broken.

They set out the rights and obligations of you and your employer above the statutory rights that you have e.g. what sick pay you get.

They can be changed but, usually, only if you and your employer agree.

What is the Equality Act 2010?

The main law that covers discrimination at work

It says that you cannot be treated unfairly or differently if it's connected to who you are e.g. a mental or physical impairment

Employers must not discriminate against you directly or indirectly

The Equality Act and Dyslexia

Dyslexia is a 'protected characteristic' and your employer cannot discriminate against you because of it

Managers and colleagues of dyslexic people should make reasonable adjustments to help them with their job

Dyslexic people should not be directly or indirectly discriminated because of their dyslexia

Dyslexia in the Workplace

You are not obliged to tell your employer about your dyslexia

Reasonable adjustments can be changes to policies, working practices or physical layouts, or providing extra equipment or support

Your employer should pay for any adjustments - they shouldn't ask you to pay

Requesting reasonable adjustment s

You need to make sure your employer knows about your dyslexia and how this effects your work

You do not need to have had a diagnostic assessment in order to receive reasonable adjustments

It can help to suggest reasonable adjustments to your employer to help them put something in place

Failure by your employer to make reasonable adjustments can be a form of discrimination

Reasonable Adjustment S - Employee



Talk with their manager or employer:



explain your situation



discuss and agree on possible
adjustments with employer

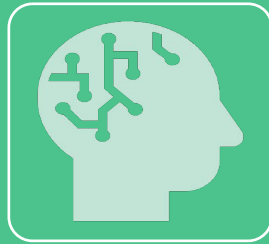


put anything agreed in writing

Reasonable Adjustments - Job Applicants



Employers should ask all job applicants if they need reasonable adjustments for any part of the recruitment process



It is against the law for a future employer to ask if you have dyslexia



The employer must consider making reasonable adjustments for the recruitment process if you:

- asks for reasonable adjustments,
- say that you have dyslexia, or
- they know, or could be expected to know, of your dyslexia

What can I do if I think I am being discriminated against?

Step One

Raise it with your employer – either your line manager or HR

Step Two

Write an informal complaint to your employer

Step Three

Raise a grievance

Final Step

Bring an employment tribunal claim

Bringing an employment tribunal claim

Discriminatory Act



Within 3 months less 1 day

ACAS Early Reconciliation



If no agreement – one month

Submit ET1 Claim Form

What should I compile for a claim?

Documents – anything that relates to the discrimination e.g. policy documents

Diary – keep a note of all discriminatory behaviour

Emails – keep a folder of all emails relating to the behaviour

Other – think about possible witnesses etc.

What assistance can you get with a claim?



Template Documentation



Legal Advice: solicitors, pro bono agencies, Citizens' Advice Bureau



Online resources

What are the possible remedies from a claim?

Compensation - no statutory limit on the amount a tribunal can award

Recommendations – with the purpose of removing or reducing the adverse effect on the discriminated party

What type of compensation can I receive?

Damages to account for the money you've lost because of the discrimination

Damages to address the hurt or distress you've suffered because of the discrimination

Compensation for any depression or a physical injury, caused by the discrimination

Aggravated damages for any particularly bad behaviour by your employer

Any Questions?



Thank you

