

Supporting members with equality issues: a briefing paper for all branches and caseworkers

Prepared by the UCU Disabled Members' Standing Committee and the Working Group for Mental Health

Case-study 1 (Acquired disability)

James was a passenger in a car which was hit by a truck. James sustained significant injuries to his legs which has left him unable to walk without the aid of two sticks and, at times, a wheelchair. At the time of the accident, James was employed as a lecturer in engineering in a FE College and also taught on HE courses.

Following a period of five months sickness absence, James was preparing to return to work. An appointment was arranged with his in-house occupational health service: their office is on the ground floor and James was invited to bring someone with him to the meeting. Reasonable adjustments were considered in order to support James' return to work which included short-term reduction in hours. However, James' general place of work was his office; a main lecture theatre (accessed by one flight of stairs and no lift); and, a workshop containing machinery and IT equipment.

Under the Equality Act, 2010, James was entitled consideration of:

- a change to accessible accommodation
- supportive software for IT equipment
- re-direction of some teaching duties, without reducing his over-all capabilities of teaching, where it would be unreasonable for James to utilise certain machinery (note that there can be much debate as to what is 'reasonable' in terms of adjustments and that health and safety legislation will affect James, his co-workers, and his students)

Case-study 2 (Progressive disability)

Susan was diagnosed with M.S. in October 2009 and was responding well to first-line drugs. Since a recent episode, Susan is now taking much stronger drugs to alleviate some of her symptoms and regularly uses a walking stick or crutches to aid her mobility. The new drugs can make Susan drowsy and she no longer drives on days like these.

Due to the above, Susan approached her line manager with regards to some short-term measures to enable her to keep working and not have an extended period of sick leave.

As Susan's caseworker, you could consider:

- Support from Occupational Health and / or H.R. with a view to negotiating a reduced working day to allow Susan time to adjust to her new medication;
- Allow for flexible start/finish times when Susan requires the use of public transport;
- Ask the staff disability support service, or alternative where this does not exist, for an up-dated assessment on Susan's work environment, particularly for access issues; and,
- Discuss with H.R. any reduction in time being calculated as a reasonable adjustment with no affect on salary in addition to negotiating any time away from work, directly related to her disability and/or attending treatment, as disability leave and not sickness absence.

Case Study 3 (Irregular Disability)

Jane was diagnosed with depression 11 years ago. Her condition is episodic and therefore is irregular in frequency and often triggered by factors in her life and/or general health. She has largely managed the situation herself and only informed her employer 3 years ago when a particularly bad episode required her to take 10 days off. When Jane has episodes it can cause her to have problems with her concentration and interaction with other people and this varies in severity. In the last 3 years she has only had minor episodes and not required any other specific assistance other than understanding from her line manager. Her employer has recently introduced a sickness absence procedure that is based around trigger points of absence and Jane is concerned that a single episode or multiple smaller episodes may cause her to fall foul of this policy.

Jane's condition qualifies as a disability under the Equality Act 2010 as it will have an effect on her work for a period greater than 12 months.

As Jane's caseworker you could:

- Define that Jane's absence is due to her disability and should not be used as part of the calculation of general sickness absence as this would constitute less favourable treatment.
- Arrange for Jane to be able to work from home if she feels this would help
- Talk to her line manager and HR to see if Jane's work can be lessened or

changed at times if and when she has episodes where she has difficulty concentrating.

- Make sure both Jane and her line manager are aware of any facilities that may already exist in the workplace such as counselling services.
- Speak to Occupational Health and / or HR to determine whether any courses are run for managers to understand and help those they manage with mental health conditions

Case Study 4 (Constant Disability)

Peter was diagnosed with a condition on the autistic spectrum when he was a child. Peter's autism results in him needing to feel in control of his environment and the frequency of his interaction with other people. Prior to this point he has been able to work without issue as he has been in an office on his own and therefore he had no reason to declare his condition to his employer. However his department has just been moved to an open plan environment and this has resulted in a great deal of noise and distraction which Peter has found very difficult. He has now told his employer about his condition and asked if they can help mitigate the circumstances.

Peter's management are under an obligation to be proactive in looking at any reasonable adjustments for Peter as they are now aware of his condition.

As his caseworker you can suggest to management:

- Allow Peter the option of working from home when possible
- Enable access to temporary use of a secluded area where he can work on his own.
- Work with Occupational Health and / or HR to look at whether Peter's desk in the office can be located somewhere with as little noise and distraction as possible
- Look at whether noise cancelling headphones may mitigate the ambient noise in the office.

This briefing paper is designed as a first-step guide to supporting members, as a Case-worker, with equality issues. You are encouraged to utilise the UCU website for additional information.

<http://www.ucu.org.uk/equality>