# The Equality Act 2010 – Your rights in employment

Nobody should be treated worse than someone else because of things like their gender, sexuality or race, or because they have a disability, including sight loss.

## The Equality Act 2010

The Equality Act replaced the Disability Discrimination Act 1995 (DDA) in Great Britain. In Northern Ireland, the DDA is still the law.

The Equality Act aims to eliminate discrimination and promote equality. It does this in relation to what are called “protected characteristics”. Disability is one of the protected characteristics. The other protected characteristics are age, gender reassignment, being married or in a civil partnership, race, religion or belief, sex and sexual orientation.

The Equality Act says that employers are not allowed to engage in “prohibited conduct” which is linked to someone's “protected characteristic”.

### Does the Equality Act apply to people with sight loss?

If you have been certified as severely sight impaired (blind) or sight impaired (partially sighted) by a consultant ophthalmologist, then you are automatically protected under the Equality Act.

If you have not had your sight loss certified, but believe you have been discriminated against because you have sight loss, you may still be protected under the Equality Act. Call our Legal Rights Service through our Helpline on 0303 123 9999 for more information and to discuss your circumstances with us.

### Who and what in employment is affected by the Act?

* Employers of any size
* Permanent employees
* Part-time employees
* Contract workers
* Applicants for jobs
* People on work experience
* Public office holders

### Who and what in employment is not affected by the Act?

* Volunteers. However there may be exceptions depending on their employment status. Please contact us for further advice.
* The Armed Forces

### Protecting your rights in employment

There are lots of ways the Equality Act can help you in employment situations, from looking for a job to making sure you are not dismissed because your sight gets worse.

#### Recruitment

An employer must not discriminate at any point during their recruitment process. This includes how applications are dealt with, who is invited for interviews and how they make their decision for offering someone a job.

It can also be discrimination if an employer advertises a position in such a way as to exclude or discourage disabled people from applying and does not refer to a consideration of any reasonable adjustments.

#### Reasonable adjustments

The Equality Act says that employers have a duty to make reasonable adjustments to support their employees with disabilities to carry out their jobs.

The reasonable adjustments required will depend on the individual’s needs and the type of job they do, for example, providing documents in alternative formats. A failure to make these reasonable adjustments could amount to discrimination.

#### Harassment at work

It is also unlawful for an employer to subject a disabled person who is employed, or a disabled person who has applied for employment, to harassment. Harassment is where, for a reason relating to someone’s disability, a person engages in unwanted conduct which has the purpose or effect of:

* violating the disabled person's dignity, or
* creating an intimidating, hostile, degrading, humiliating or offensive environment.

#### Victimisation

This is where you have been treated unfavourably, because you made a complaint about your treatment as a disabled person or helped someone else make a complaint under the Equality Act and suffered as a result.

### Do I have to tell an employer about my sight loss?

There is nothing which states that you have to tell an employer about your sight loss. However, you must remember that if you do not tell your employer, and they cannot be reasonably expected to know, then there is no obligation for them to make a reasonable adjustment for you. Although you might be worried about telling your employer, doing so can be helpful because you can then let them know about any help you need in carrying out your role before any issues arise.

### I think someone has discriminated against me. What can I do?

If you believe you have experienced discrimination relating to your employment, there are a number of different ways you can challenge it.

#### Raising a grievance

If you believe that your employer has discriminated against you, your first step should be to raise a formal grievance with your employer using their grievance procedure. A grievance is essentially a type of complaint that you, as an employee, are making against your employer. You have to be employed to raise a grievance; if you are an applicant for a job and have suffered discrimination then you will need to make a complaint.

Dealing with a grievance can be very complicated, and you should make sure you have a copy of your employer’s grievance procedure to check that it is being dealt with appropriately. You should be able to get a copy of this procedure through your Human Resources department, or it might be in a staff handbook you were given when you started.

If your employer does not have a formal grievance procedure, then the independent Advisory, Conciliation and Arbitration Service (ACAS) has a model procedure you can follow.

#### Employment Tribunal

If you are unable to resolve your dispute through your employer’s grievance procedure then you could go to an Employment Tribunal and ask it to decide your case. You can take your current employer, a prospective employer you applied to for a job or your former employer to a tribunal.

The Employment Tribunal is an independent judicial tribunal, similar to a court. If you want to start a case in the Employment Tribunal you must do so within three months from the date of the act of discrimination.

### How do I start a case?

#### Early Conciliation

It is compulsory for anyone intending to present a claim to the Employment Tribunal to contact ACAS first to inform them of this. This is known as Early Conciliation and is a free and confidential service. It is important to note that Early Conciliation will have an effect on time limits to present your claim. You should seek advice about this as early as possible in the process so that you do not miss your deadline.

ACAS will try and resolve a dispute before it goes to an Employment Tribunal. To start this process you can either complete the early conciliation notification form on their website by visiting [**acas.org.uk/earlyconciliation**](http://www.acas.org.uk/earlyconciliation), or alternatively you can call them on **0300 123 11 22**.

At the end of the conciliation period, which is usually 4 weeks, if the parties have not reached an agreement/settlement, ACAS will issue an Early Conciliation certificate. This certificate will have a reference number printed on it which must be included when you issue your claim

#### Starting a claim

To start a claim you need to complete a form called an ET1. This is available on the employment tribunal page on the Ministry of Justice website at [**gov.uk/courts-tribunals/employment-tribunal**](https://rnib-my.sharepoint.com/personal/alice_turton_rnib_org_uk/Documents/Desktop/LRS%20factsheet%20updates/gov.uk/courts-tribunals/employment-tribunal).

If you complete the form online you can either submit it online or print it off and post to the Tribunal bearing in mind your deadline. Late claims will not be accepted.

#### What will the Tribunal do?

If you win, the Tribunal can do various things for you. These are called “remedies”. The remedies the Tribunal can award are:

* **Compensation**: This is an order that the ex employer pays an amount of money to you for ‘injury to feelings’ for discriminating against you.
* **Declaration**: For example this is where the Tribunal states the employer directly discriminated against a disabled complainant by treating them less favourably because of their disability. This can be an important remedy as it is a formal recognition that discrimination did take place.
* **Recommendation**: this is where the Tribunal orders the (ex)employer to take certain steps within a set period.

#### What if I lose?

If you lose, you have a right to appeal to the Employment Appeal Tribunal. You can only appeal if the tribunal has made an error of law. Disagreeing with the Tribunal’s decision is not enough. You have to appeal within a specific period of time. The Employment Appeal Tribunal is an independent judicial body. You should seek legal advice as soon as you receive your decision.

## How we can help

If you would like any more information about the Equality Act, you can contact our Helpline on **0303 123 9999** or by emailing **helpline@rnib.org.uk**.

Our Helpline is your direct line to the support, advice and services you need. Whether you want to know more about your eye condition, buy a product from our shop, join our library, find out about possible benefit entitlements, or be put in touch with a trained counsellor, we’re only a call away.

It’s also a way for you to join RNIB Connect, our community for anyone affected by sight loss. RNIB Connect is free to join and you’ll have the chance to meet other people with similar experiences in our helpful, welcoming and supportive community.

Give us a call today to find out how we can help you.

This factsheet gives general guidance only and is not an authoritative statement of the law.

RNIB Legal Rights Service

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