

TS AND DISABILITY RIGHTS

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Not all people with TS consider themselves as having a disability, because their symptoms do not have a negative effect on their ability to do normal daily activities.

However, TS is considered a disability under UK law, which prohibits people with the condition being discriminated against. Knowing your rights as a disabled person can support you in all areas of your life.

We have outlined the definition of disability under the Equality Act 2010 and have provided a list of organisations who offer specialist advice and information on disability rights.



THE EQUALITY ACT

The Equality Act 2010 is an act of Parliament which legally protects people from discrimination in the workplace and in wider society.

A person is disabled under the Equality Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

WHAT 'SUBSTANTIAL' AND 'LONG-TERM' MEAN

- 'Substantial' is more than minor or trivial – e.g. it takes much longer than it usually would to complete a daily task like getting dressed
- 'Long-term' means 12 months or more – e.g. a breathing condition that develops as a result of a lung infection

The Equality Act 2010 does not apply to Northern Ireland, for more information on this please visit the [NI Direct website](#).

Source: www.gov.uk



There are six ways that an employer can discriminate against a person with TS, which we have detailed below:

DIRECT DISCRIMINATION

Person A directly discriminates against person B where:

- A treats B less favourably than A would treat others; and
- A does so because of B's disability



INDIRECT DISCRIMINATION

Person A indirectly discriminates against another (B) if A applies a Provision Criterion or practice ("PCP") which is discriminatory in relation to B's disability.

A PCP will be discriminatory in relation to B's disability if:

- The PCP is applied to everyone but puts or would put B and or people who share B's disability at a particular disadvantage when compared with individuals who do not possess it, and
- A cannot show that the PCP is justified, i.e. 'a proportionate means of achieving a legitimate aim'

FAILURE TO MAKE REASONABLE ADJUSTMENTS

An employer must take reasonable steps to reduce or prevent substantial disadvantage a disabled employee experiences because of their impairment. This includes:

- Making changes where reasonable to avoid any disadvantages,
- Adapting the workplace to avoid any disadvantages (making sure the workplace is accessible to all), and or

- Providing auxiliary aids or service (e.g. computer software).

The above applies both to employees and job applicants.

The above does not apply if the employer did not know and could not reasonably have been expected to know that B had the disability.

DISCRIMINATION ARISING OUT OF A DISABILITY

A person (A) discriminates against a disabled person (B) if:

- A treats B unfavourably because of something arising in consequence of B's disability, and
 - A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

The above does not comply if the employer did not know and could not reasonably have been expected to know that B had the disability.

HARASSMENT

It is harassment if person A subjects person B to conduct which is:

- 1 Unwanted, and
- 2 Related to disability (in general)

And the conduct:

- 3 Violates person B's dignity, and
- 4 Creates an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim

Person A does not need to have intended to cause points 3 & 4 above for their conduct to be harassment.



VICTIMISATION

An individual with a disability must not be treated badly by an employer for asserting their rights under the Equality Act (i.e. any of the above claims).

USEFUL RESOURCES AND INFORMATION

The Equality and Human Rights Commission: provides guidance and good practice to help you understand and use the Equality Act law:

www.equalityhumanrights.com

Government website: provides information on different areas concerning disability rights:

www.gov.uk/rights-disabled-person

Disability Information Advice Line: There are over 140 local DIALs all staffed by disabled people and all offering telephone advice. If you have a local line, it should be listed in your telephone directory under DIAL UK. Alternatively, visit their website at:

www.dialuk.info

Disability Rights UK is an organisation led, run, and controlled by disabled people, offering information and advice concerning disability rights:

www.disabilityrightsuk.org