Headway

the brain injury association

factsheet

The Equality Act 2010

Introduction

This factsheet provides an overview of the Equality Act 2010 and its relevance to people with a brain injury and their employers.

How the Equality Act protects people with disabilities

The Equality Act 2010 was introduced in October 2010 and replaces the previous Disability Discrimination Act 2005 (DDA 2005). It is a law designed to end discrimination of all kinds. The act builds on earlier discrimination laws and applies to all employers, education and training providers and everyone who provides a service to the public.

The Disability Discrimination Act defines disability as *'a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities'*. If you can show that you come within this definition you will have the protection of the act.

For the purposes of the act:

- Substantial means neither minor nor trivial
- Long-term means that the effect of the impairment has lasted or is likely to last for at least 12 months
- Normal day-to-day activities include everyday things like eating, washing, walking and going shopping

The new act now protects the following people:

- Those who used to have a disability
- Those who are associated with someone with a disability (e.g, carers)
- Those who are wrongly perceived as being disabled

Only the courts can say if a particular individual is defined as disabled under the legislation, but the aim of the act is to be as broad as possible.

People with a severe brain injury who have long-term disabilities as a result should be covered by the Equality Act. As the impairment must last 12 months or more, it may be more difficult for people with a minor head injury to prove that the Equality Act applies to them. However, that doesn't mean that they should be discriminated against.

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Adaptations to the workplace

The Equality Act encourages employers to make 'reasonable adjustments'. This includes:

- Allocating some of the employee's work to someone else
- Transferring the employee to another post or another place of work
- Making adjustments to the buildings where the employee works
- Being flexible about the employee's hours - allowing them to have different core working hours and to be away from the office for assessment, treatment or rehabilitation
- Providing training or retraining if the employee cannot do their current job any longer
- Providing modified equipment
- Making instructions and manuals more accessible
- Providing a reader or interpreter

Brain injury can cause a wide variety of physical, cognitive (thinking), emotional and behavioural problems. These problems can often be overcome by relatively minor adaptations to the workplace and help is available for employers to do this. The Jobcentre Plus Access to Work scheme can help with advice and support for both employer and employee. It can also help with extra costs when returning to work. Access to Work can help pay for, many accommodations, including:

- A communicator
- A reader at work
- Special equipment or alterations
- A support worker
- Help towards the cost of getting to work

Contact your local Jobcentre and ask to speak to the Disability Employment advisor or the Access to Work advisor in order to find out more about the Access to Work scheme.

For further information for employers see the Headway factsheet *Adaptations to the Workplace – a guide for employers*. For information on making a complaint about discrimination at work, see the Headway factsheet *Making a Complaint about Treatment at Work.*

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Further information

Comprehensive information on the Equality Act 2010 can be found on the Government Equalities Office website at www.equalities.gov.uk/equality_act_2010/equality_act_2010_what_do_i_n.aspx and on the Equality and Human Rights Commission website at www.equalityhumanrights.com/legal-and-policy/equality-act/.

To discuss any issues raised in this factsheet, or to find details of our local Groups and Branches, please contact the Headway helpline free of charge on 0808 800 2244, or by email at helpline@headway.org.uk. You can also find more information and contact details of Groups and Branches on our website at www.headway.org.uk.

Headway produces a range of booklets and factsheets covering brain injury related issues. Booklets cost £3.50 each and can be ordered from the website or on 0115 924 0800. Factsheets are freely downloadable from the website.

Brain injury survivors and carers can receive free copies of appropriate booklets from the helpline.

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