

Your rights as an employee

You'll find this factsheet useful if you are deaf or have hearing loss and want to know what your rights are at work, or when you're looking for work, under the Equality Act 2010.

The Equality Act is comprehensive, so this factsheet contains a lot of detailed information.

We recommend you contact one of the organisations listed at the end of this factsheet if you need more support to understand your rights and take action if you think you've been discriminated against.

 If you're looking for a general introduction to the Equality Act, see our factsheet *The Equality Act 2010 - an overview*.

 **If you'd like this factsheet in Braille, large print or audio, please contact our Information Line - see last page for contact details.**

Contents

- What is the Equality Act 2010?. **3**
- Am I protected under the Equality Act? **3**
- What type of employment does the Equality Act cover? **4**
- What is unlawful under the Equality Act?. **4**
- What is the duty to make reasonable adjustments? **7**
- What must an employer not do when I'm seeking work? **9**
- What must an employer not do when I'm employed? **11**
- Can discrimination arise after employment has ended?. **11**
- Do I have to tell an employer about my hearing loss? **12**
- What if I become disabled while I'm working or my hearing worsens? **12**
- How can the Access to Work scheme help? **13**
- Who is responsible if someone discriminates against me? **13**
- How else am I protected?. **13**
- What is the public sector Equality Duty? **15**
- What is positive action?. **16**
- How can the Human Rights Act help?. **16**
- What should I do if I think I've been discriminated against? **17**
- Where can I get further information about my rights and discrimination? **18**

Disclaimer

This information is not legal advice and you should not rely on it as such. You should consider taking independent legal advice from a solicitor or other qualified legal adviser. Action on Hearing Loss does not accept any liability for any actions that you or anyone else may take, or fail to take, on the basis of the information contained in this factsheet.

What is the Equality Act 2010?

The Equality Act 2010 is the law that bans discrimination (unfair treatment) and helps achieve equal opportunities in the workplace and in wider society. Before the Equality Act, disability discrimination came under the Disability Discrimination Act (DDA) 1995.

The Equality Act protects people from discrimination because of certain 'protected characteristics'. It also promotes equality of opportunity to prevent discrimination arising.

The nine protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation.

The Equality Act applies to England, Wales and Scotland but not Northern Ireland, where the DDA still applies. If you live in Northern Ireland, visit the NI Direct website to find out more: nidirect.gov.uk/information-and-services/people-disabilities/rights-and-obligations

Am I protected under the Equality Act?

You may have rights in relation to any of the nine protected characteristics listed opposite, but this factsheet focuses on disability in relation to employment.

The Equality Act covers people who have, or have previously had, a disability.

A disability under the Equality Act is a physical or mental impairment that has a substantial and long-term adverse (negative) effect on your ability to carry out normal day-to-day activities.

'Physical or mental impairment' isn't defined, but it covers a wide range of conditions, such as:

- rheumatoid arthritis
- chronic fatigue syndrome
- diabetes (there may be some doubt about Type 2 diabetes)
- epilepsy
- heart disease
- forms of dementia
- learning difficulties
- depression
- eating disorders.

Physical or mental impairment also includes sensory impairments (sight loss and hearing loss) and covers tinnitus.



For more information, see our factsheet *How does the Equality Act define 'disability'?*

How else does the Equality Act protect me?

In certain situations the Equality Act also protects you if you're discriminated against because you are associated with someone who is disabled or are mistakenly thought to be disabled. This is explained under 'Direct discrimination' on [page 5](#).

You may also be covered by the Equality Act, whether or not you're disabled, if you are treated badly because you have made a complaint under the Act or helped someone to do so. There's more information about this under 'What is victimisation?' on [page 7](#).

What type of employment does the Equality Act cover?

The Equality Act protects you if you're in full-time, part-time or temporary employment (personally contracted to do work), and in some situations if you're self-employed. It covers you if you're doing work experience and if you're applying for a job. In some situations, it also applies after you've left a job.

Volunteering

In general, the Equality Act does not protect volunteers. But if you have a contract to do work for someone, you may be covered as if you were an employee. It's also possible that someone providing a volunteering opportunity is providing you with a service – for example, an agency

that arranges volunteering placements. In that case, you may be protected under the services part of the Equality Act.

 You can get more information about volunteers and the Equality Act from the Equality Advisory Support Service (EASS) or from the Equality and Human Rights Commission (EHRC) website ([see page 20](#) for contact details).

What is unlawful under the Equality Act?

The Equality Act protects people who are disabled from certain kinds of unlawful behaviour – discrimination, harassment and victimisation. It's also against the law to order someone to behave in these ways or help them do so.

What does discrimination mean?

There are different types of discrimination, depending on how it arises. As well as covering things that people (or organisations) do to people who are disabled, it also includes things that aren't done when they should be – that is, failing to make reasonable adjustments for people who are disabled when they are required (we explain this on [page 7](#)).

Direct discrimination

This happens when, because of disability, you're treated less favourably (worse) than someone who isn't disabled. The disability itself is the reason for the treatment, which is often based on prejudice or assumptions. It hasn't or wouldn't have happened to another person who is in similar circumstances to you, except that they do not have hearing loss.

Example of direct discrimination

Someone who is deaf doesn't get an interview for a job because the employer thinks that they won't be able to communicate with colleagues. This is likely to be direct discrimination.

Direct discrimination may happen even if you're not disabled. It also includes worse treatment because of your association with a person who is disabled, for example, as the carer or friend of someone who is deaf (this is called 'discrimination by association'). It also covers worse treatment because you're mistakenly thought to have a disability (called 'discrimination by perception').

Example of direct discrimination by association

Because you have a deaf child, you aren't considered for promotion because your employer assumes you won't be able to cope with the added responsibility.

Discrimination arising from disability

This is where you're treated unfairly because of something connected with your disability rather than because of the disability itself. This kind of discrimination only applies if the employer knows you are deaf or have hearing loss, or could reasonably have been expected to know. It is not discrimination, however, if the employer didn't know, and couldn't reasonably have known, about your disability, or if they can justify how they treated you. This is called 'objective justification' (see box, below).

Example of discrimination arising from disability

An employee who is partially sighted is dismissed because he can't work as quickly as a colleague who isn't disabled. The dismissal is not because of his disability, but because he is less productive – and that's because he's partially sighted. Unless the employer can objectively justify this, it is discrimination arising from disability.

What is objective justification?

It means there was a good reason for what the employer did, and they acted fairly, reasonably and in a balanced way. For example, they looked at whether there was a less discriminatory alternative. The Equality Act calls this 'a proportionate means of achieving a legitimate aim'. Only discrimination arising from disability and indirect discrimination ([see page 6](#)) can be justified in this way.

Indirect discrimination

This is where a policy, rule or practice is applied to everyone, but it puts people who are disabled at a particular disadvantage, and you are personally affected. But it's not discrimination if it can be objectively justified, as described on [page 5](#).

Example of indirect discrimination

An employer's induction course consists of a video followed by a discussion. The video isn't subtitled. This means that if you're deaf, you can't participate fully in the induction.

Discrimination in failing to make reasonable adjustments access and progress

The Equality Act requires employers to make reasonable adjustments (changes) to enable you to access and progress in employment. This duty occurs when you're put at a substantial disadvantage, compared to people who aren't disabled. If reasonable adjustments are not made, that's discrimination. We explain the duty to make reasonable adjustments on [page 7](#).

What is disability harassment?

This is unwanted behaviour related to disability that has the purpose or effect of:

- violating your dignity, or
- creating an intimidating, hostile, degrading (shaming), humiliating or offensive environment for you.

Any unwelcome behaviour that you find distressing or upsetting could be harassment – it doesn't have to be deliberately intended to hurt you.

If you're harassed by someone at work, you can make a claim against them and the employer. But the employer won't be liable (legally responsible) if it can show it did everything it reasonably could to prevent harassment. It's never possible to justify harassment.

Example of disability harassment

The colleagues of a man who is profoundly deaf continually make mocking gestures and jokes about sign language. The man finds this behaviour offensive and upsetting. This is likely to amount to harassment.

You're also protected if you're harassed because you associate with someone who is deaf or because you're wrongly thought to be deaf. And you can complain of behaviour that you find offensive even if it's directed at someone else (a colleague, for instance), as long as there's a connection with disability.

Example of harassment by association

A woman refuses to work overtime after 5.30pm because she has to care for her disabled stepfather in the evening. She is repeatedly pressured to take on tasks that can't be finished by 5.30pm. This is likely to be harassment by association related to her caring responsibilities.

What is victimisation?

This is where you're treated badly because you have done certain things or you're suspected of doing them. They include:

- taking a case under the Equality Act
- giving evidence or information in someone else's case
- alleging (stating) that the employer or someone else has done something against the Equality Act.

You're protected whether or not you're disabled. But you can't claim victimisation if you've acted in bad faith – for example, if you deliberately say something untrue.

Example of victimisation

A woman who is deaf is turned down for a job because the employer wrongly assumes she wouldn't be able to understand instructions. She wins her case against the employer. Later, the same employer advertises a vacancy for a similar job. The woman applies again but is rejected because she has previously made a claim. This is victimisation.

What is the duty to make reasonable adjustments?

Employers have a duty to make reasonable adjustments (changes) for you if you're in employment or applying for a job. This includes the interview and recruitment process.

The duty arises if you're put at a substantial disadvantage, compared to people who aren't disabled, by:

- a provision, criterion or practice (the way things are done)
- the absence of an auxiliary aid or service (extra help that's missing – see below)
- a physical feature – for example, the layout of office furniture.

The duty only arises if the employer knows, or ought to know, that you have a disability and are disadvantaged. And if you're applying for a job, the duty only arises if the employer knows you're disabled.

The aim of the duty is to remove the barriers you face because of your disability. So the employer must make reasonable adjustments (changes) to overcome the disadvantage you're under. If the adjustments are not made, this is discrimination. The employer can't charge you for the cost of making the adjustments.

The Equality Act says 'substantial' means more than minor or trivial, so reasonable adjustments have to be made unless the disadvantage is insignificant.

A 'provision, criterion or practice' covers things like a policy, a rule or a practice.

An 'auxiliary aid' could be a hearing loop, which helps people who use hearing aids set to the 'loop' setting to hear more clearly over background noise.

An 'auxiliary service' might be a sign language interpreter.

The employer must take reasonable steps to overcome the disadvantage or to provide the extra help that's needed.

The requirement to provide auxiliary aids or services is particularly important for people who are deaf. The Equality Act emphasises the importance of providing information in accessible formats.

You and your employer may be able to get financial help to pay for reasonable adjustments from the government's Access to Work scheme ([see page 13](#) for more details).

What is classed as a 'reasonable' adjustment?

The Equality and Human Rights Commission (EHRC – [see page 20](#)) has produced a statutory Code of Practice that explains the Equality Act in relation to employment in more detail. Tribunals have to consider it where it's relevant. The Code says what is reasonable depends on the circumstances of each case. It lists some of the factors that may be relevant:

- whether the adjustment would prevent the disadvantage
- how practical it is to make it
- how much it would cost and how disruptive it would be
- what resources the employer has, including money and equipment
- whether the employer can get financial or other assistance, such as funding or advice through the Access to Work scheme ([see page 13](#)) or advice from organisations supporting people who are disabled
- what kind of employer it is and how big it is – what's reasonable for a large company may not be for a small one.

Remember: employers have to make reasonable adjustments if they know or could reasonably be expected to know about your disability. Even if you haven't told your employer, they should make reasonable enquiries if they see you're having difficulties at work or there are other signs that may be linked to a disability, for example absences from work. They should focus on the changes you need rather than the legal definition. If you've told another employee – for example, your manager – or someone working on behalf of your employer, the employer will be assumed to know.

Examples of reasonable adjustments

Reasonable adjustments if you're deaf or have hearing loss could include:

- giving an email address, not just a phone number, to allow you to email your request for an application pack
- using clear, accessible English in the application pack and job description
- adjusting the layout of an interview room and using good lighting to help everybody see each other clearly (important for signing and lipreading)
- modifying a job to take your needs into account
- moving you to an office with good acoustics (where sound is transmitted well)
- providing communication support for meetings, such as sign language interpreters

- installing equipment, such as amplified telephones or flashing-light fire alarms
- providing a portable hearing loop for use during a training course away from the office
- time off work for your audiology appointments.

What must an employer not do when I'm seeking work?

An employer mustn't discriminate against you:

- in the arrangements they make to decide who to employ
- in the terms on which they offer you employment
- by not offering you employment.

An employer mustn't victimise you in these ways or harass you. They must also make reasonable adjustments for you.

Arrangements include advertisements for jobs. So it's unlawful for employers to advertise for jobs, training or other benefits if the adverts discriminate in some way. This applies even if they're published on behalf of the employer – for example, in a newspaper. The EHRC ([see page 20](#) for contact details) can take legal action to stop them doing this.

Example of unlawful recruitment

An advert says you must dial a voice telephone to ask for an application pack. This is likely to be unlawful because it is not accessible to people who are deaf.

Example of unlawful terms of employment

An employer offers lower pay to an applicant who is deaf than it would offer to another person who is not deaf. Or the employer says the probation period has to be longer.

Example of unlawful failure to offer employment

An employer doesn't offer a job or work placement to an applicant who is deaf, even though that applicant is the best person for the job in that they meet all the requirements for the job and feedback confirmed top scores, with no negative comments. Or they may be asked an irrelevant and unlawful question about disability on the application form or at the interview. This, though, is a matter of evidence. The employer would need to keep an accurate record of how they made their decision, and the applicant would only get this information by making a claim under the Equality Act.

Can I be asked questions about my hearing loss?

The Equality Act limits the circumstances in which an employer can ask about your health or disability before they've offered you a job. This includes questions about previous sickness absence. Up to this point, they can only ask health-related questions:

- to see if you need reasonable adjustments for an interview, such as a sign language interpreter or extra time
- to see if you could take an assessment, for instance a numbers test before the interview, with reasonable adjustments if needed
- to see if you could carry out a function that's essential to the job, with reasonable adjustments if needed
- to monitor diversity – for example, to see if the employer's adverts are reaching people who are disabled; this must be separate from the application form
- to see if you could benefit from positive action for disabled people, such as a guaranteed interview scheme (we explain positive action on [page 16](#))
- to confirm that you have a particular disability, such as deafness, if it's a requirement of the job (this is called an 'occupational requirement')
- to vet applicants for national security reasons – for example, for a job in a government department dealing with sensitive information.

An employer can't get round the restrictions by referring you to an occupational health practitioner to ask questions. The restrictions apply to anyone who works on behalf of the employer.

Employers can make job offers conditional on a satisfactory health check, if that's what they require of all applicants – for example, to see if you're eligible to join a health insurance scheme. But they can't single you out just because you're deaf or have hearing loss, unless they can show that this genuinely makes it difficult for you to do the job.

They mustn't use the information from the questions to discriminate against you. The employer must also consider if there are reasonable adjustments that would enable you to do the job.

Only the EHRC ([see page 20](#)) can take action if these requirements aren't met. But if an employer asks you a question that isn't allowed and you think you've been turned down solely because of your disability, you could bring a claim in an employment tribunal for discrimination ([see page 17](#)). The employer would then have to show that it hadn't discriminated against you.

Example of adjustments for interview

A company is recruiting for an administrator. It ensures that no health questions are included in the application form. The company asks applicants if they need reasonable adjustments for the interview. For example, someone with a speech impairment may ask for extra time. The company doesn't take this information into account when deciding who to appoint.

Example of an occupational requirement

A counselling service for deaf people whose first language is BSL requires a deaf counsellor who uses BSL. The advert says that this is an occupational requirement. The employer can ask on the application form or at interview about the candidate's disability.

What must an employer not do when I'm employed?

An employer mustn't discriminate against you:

- in your terms and conditions of employment, which are part of your contract
- in the way they give you access to opportunities for promotion, transfer, training or other benefits
- by not giving you access to these opportunities
- by dismissing you
- or subjecting you to any other detriment (something that changes your position for the worse or puts you at a disadvantage).

An employer mustn't victimise you in these ways or harass you. They must also make reasonable adjustments for you.

Examples of unlawful discrimination in relation to opportunities

- You're not promoted, even though you're the best candidate.
- You're not given access to training courses.
- You're refused a bonus.
- A benefit such as gym membership is withheld.

Can discrimination arise after employment has ended?

If you've stopped working for an employer, the Equality Act says it's still unlawful for your former employer to discriminate against you or harass you. Similarly, if you are victimised after the employment has ended, you're still protected by the Act.

You would have to show that the unlawful conduct arises from the previous employment and is closely connected to it.

Example of discrimination after employment

Dave has hearing loss and used to work for a company as a sales manager. He asks his previous employer for a reference. In the reference, the employer is negative about his hearing loss. This is likely to be unlawful discrimination.

The duty to make reasonable adjustments also applies after your employment has ended if you're put at a substantial disadvantage when dealing with your former employer.

Example of reasonable adjustment after employment

Dave's previous employer turns down his request for a reference (employers are not legally required to provide references – see [gov.uk/work-reference](https://www.gov.uk/work-reference)). Dave wants to discuss this. The previous employer is likely to have to provide communication support for Dave.

Do I have to tell an employer about my hearing loss?

No, not if you don't want to. Employers are now banned from asking questions about your health or disability before a job offer, except in certain situations.

If an employer asks about your hearing loss in one of those exceptions, it's a good idea to tell them about it – for example, the employer wants to see if you need a reasonable adjustment for an interview.

It may be helpful anyway to tell the employer. The Equality Act says employers don't have to make a reasonable adjustment if they didn't know about your disability and couldn't reasonably be expected to know about it.

Knowledge of your hearing loss or deafness is also relevant if you're treated unfairly because of something connected to it. It won't count as discrimination unless the employer knew about it or reasonably should have done.

What if I become disabled while I'm working or my hearing worsens?

If you are concerned about carrying on your job, or about difficulties you are having, you should contact a work coach at your local job centre.

The work coach:

- can tell you about the Access to Work scheme for people who are disabled – you may be able to get money through this for practical support at work ([see page 13](#))
- may be able to arrange for an assessment of your work or skills.

You may also need your employer to make reasonable adjustments to your workplace or job. This could include providing equipment or time away for you to adjust to your new situation. For more detail, [see page 7](#).

Example of a reasonable adjustment

Because of your hearing loss, you want to learn to lipread. However, your local college only offers lipreading classes during working hours. It may be a reasonable adjustment for your employer to allow you time off work to attend the classes.

How can the Access to Work scheme help?

The government's Access to Work scheme can provide employers with financial help to pay for reasonable adjustments, including communication support for job interviews and work meetings.

You or your employer should get in touch with Access to Work ([see page 18](#) for contact details) as soon as possible before you need the support.

Who is responsible if someone discriminates against me?

Your employer is responsible. They are liable (legally responsible) for making sure that people who work for them who are disabled do not experience discrimination.

Your employer is also liable for the actions of their employees or others who work in their business but are employed by someone else (the law calls them 'agents'). This means the employer is responsible if your colleagues discriminate against you. They may also be responsible for discrimination by other organisations working on their behalf.

Example of liability

If your employer has a contract with a doctor to do their medical assessments and the doctor discriminates against you, your employer is liable.

How else am I protected?

If you're a contract worker and you work for an employer who sends you to work for another organisation, both your employer and the other organisation have to comply with the requirements of the Equality Act.

It's unlawful for an employer to prevent you from joining an occupational pension scheme, or to limit the benefits you get under the scheme, unless the cost of providing the benefit or pension to you is much more than the cost of providing it to someone who isn't disabled.

Where an employer arranges for an organisation to provide group insurance, such as private health insurance, the employer is responsible for ensuring that it doesn't discriminate against you.

Trade organisations

The Equality Act also protects you from unlawful discrimination by trade organisations. These organisations cover trade unions, professional organisations and employers' associations. If you apply for membership of a trade organisation, it mustn't discriminate against you:

- in the arrangements they make for selecting its members
- in the terms on which they admit you to membership – for example, asking you to pay a higher subscription than a hearing person
- by not accepting you as a member.

If you're a member, the organisation mustn't discriminate:

- in the way it gives you access to opportunities for benefits
- by not giving you access to these opportunities
- by ending your membership
- by changing your terms of membership
- by subjecting you to any other detriment (changing your position for the worse or putting you at a disadvantage).

Trade organisations mustn't victimise you in these ways or harass you. They must also make reasonable adjustments for you. For example, providing a hearing loop in a meeting room or checking if you need communication support, such as a lipspeaker or a sign language interpreter.

Employment services (including work placements)

The Equality Act applies to employment services. These include: vocational training and vocational guidance; services to help people find work, such as employment agencies and Jobcentre Plus; and services to supply employers with people to do work, such as employment businesses.

Vocational training includes work experience that someone does as part of their training, such as an NVQ in plumbing. Work placements are, therefore, employment services. Providers of employment services have obligations under the Equality Act similar to those of employers.

The Equality Act says that an employment service provider mustn't discriminate against you:

- in the arrangements it makes for selecting people, including the interview process
- in the terms on which it offers the service
- by not offering the service.

When it provides the service, it must not discriminate against you:

- in the terms on which it provides the service
- by not providing the service
- by ending the service
- by subjecting you to any other detriment.

An employment service provider mustn't victimise you in these ways or harass you. They also have a duty to make reasonable adjustments. Like service providers, this is an 'anticipatory duty', so they have to think ahead about adjustments that might be needed by people with different disabilities, including deafness and hearing loss. For example, disability awareness and equality training for staff and hearing loops in their offices.

Example of unlawful refusal of work placement

A student who is deaf is refused a work placement in a nursing home because the provider believes that he is unable to communicate with others. This is likely to be unlawful.

Example of unlawful terms of placement

A company offers students two-month placements. But it offers Sarah, a student who is deaf, a two-week placement because the company thinks she won't be able to cope with two months.

Example of subjecting an employee who is deaf to 'any other detriment'

A website company offers work placements. People on placements do a range of things, including research and testing. Andy is deaf and uses British Sign Language. He is only given photocopying to do on his placement because the supervisor doesn't think he can do anything else. This is subjecting Andy to a detriment and is likely to be unlawful.

An example of unlawful ending of a placement would be a student who is deaf having to take a morning off to go to an audiology clinic for new hearing aids, and the placement provider terminating the placement because of the time off.

The placement provider (an employment service provider) has to make the reasonable adjustments. The college or training provider is covered by the education part of the Equality Act.

What is the public sector Equality Duty?

If your employer is a public body, such as a local council, the police or the NHS, it has additional duties to promote equality under the Equality Act. This is called the public sector Equality Duty.

Public bodies have to think about the effect of their activities on different groups of people, such as those who are deaf, and how their different needs can be met.

They must have 'due regard' to the need to:

- eliminate unlawful discrimination
- advance equality of opportunity between different groups of people – for example, those who are disabled and those who aren't (or between those with different impairments)
- foster (encourage) good relations between different groups of people.

Having 'due regard' means public bodies must deliberately think about these aims when they make policies and decisions in their day-to-day work, including their role as employers. It may mean making reasonable adjustments or considering positive action (we explain positive action on [page 16](#)). You may be able to use the Equality Duty to strengthen a discrimination claim against your employer.

If you think your employer is ignoring its public sector Equality Duty in a way that affects you, Citizens Advice ([see page 19](#)) explains what you can do to challenge it, such as make a complaint, contact the EHRC, or take legal action through a process called 'judicial review' (you'd need to take advice on that).



To find out more about the Equality Duty, see our factsheet *The public sector Equality Duty*.

What is positive action?

The Equality Act allows employers to take positive steps to help certain groups of people in the workforce who are disadvantaged or under-represented (too few), or have particular needs. Positive action is voluntary – employers aren't required to take it. They can do this where it's appropriate and other action would be less effective.

The Equality Act allows people who are disabled to be treated more favourably (better) than people who aren't. Employers can also use positive action to give preferential treatment to people with a particular disability such as deafness.

Example of the Equality Act's more favourable treatment of disabled people only

An employer offers a disabled person an interview if they meet the minimal selection criteria. Another person who also meets the criteria, but is not disabled, doesn't get an interview. The person who is not disabled can't complain of discrimination.

Example of positive action

A large employer has several disabled staff among its workforce, but those who are deaf are noticeably absent from senior positions. The employer provides a training and development programme, and mentoring scheme specifically for staff who are deaf, to improve their chances of getting promotion.

Positive action in recruitment and promotion

Employers can also use positive action to appoint someone from a disadvantaged or under-represented group if all the candidates are of equal merit. That could be someone with a particular impairment like deafness. Using positive action as a 'tie-breaker' is voluntary – employers don't have to do it.

Example of a tie-breaker

An employer has to choose between three candidates of equal merit. One has a mobility impairment, another is deaf and the third has no disability. People who are deaf are under-represented within the organisation, so the employer selects the deaf candidate. This would not be unlawful discrimination against either of the other two candidates.

How can the Human Rights Act help?

If your employer is a public body, like the government, police or local councils, you have additional rights under the Human Rights Act 1998, which sets out the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and requires public bodies to treat everyone equally, with fairness, dignity and respect.

You may be able to use the Human Rights Act to strengthen a discrimination claim against your employer.

If you make a discrimination claim under the Equality Act, the employment tribunal must consider whether the Human Rights Act is relevant and interpret the Equality Act in line with your rights under the Human Rights Act if it can. The UN Convention on the Rights of Persons with Disabilities may also be helpful to your case.

 For more information, including the Convention, see our factsheet *The Human Rights Act*.

What should I do if I think I've been discriminated against?

If you think you've been discriminated against at work or when applying for a job, there are several things you can do. They include taking a case to an employment tribunal, but this is a lengthy, expensive and stressful experience.

Citizens Advice ([see page 19](#) for contact details) explains what you need to think about, how to make a complaint or raise a grievance, what you need to do to take your case to a tribunal, and how to get help. You should take advice as soon as possible, as there are strict time limits if you go to a tribunal, and you must also notify ACAS ([see page 18](#) for contact details) to see if conciliation is possible.

Note: Citizens Advice advises everyone protected under the Equality Act, not just people with a disability.

Note: ACAS and the employment tribunal are service providers under the Equality Act, so they have to make reasonable adjustments (at no cost to you) to help you use their services. You should tell them if you need communication support, such as a sign language interpreter or a speech-to-text reporter.

 You can get more information about these duties in our factsheet *Your rights when using services*.

Citizens Advice also explains what to do if you think your employer is not complying with its public sector equality duty or the Human Rights Act ([see page 19](#)).

Where can I get further information about my rights and discrimination?

Action on Hearing Loss

The other factsheets in our **Your rights** range are:

- *The Equality Act 2010 – an overview*
- *How does The Equality Act 2010 define ‘disability’?*
- *The Human Rights Act*
- *The public sector Equality Duty*
- *Your rights when using services.*

You can order these from our Information Line ([see last page](#) for contact details) or download them from our website at actiononhearingloss.org.uk/factsheets

Other organisations

Advisory, Conciliation and Arbitration Service (ACAS)

ACAS provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems. It has regional offices across England, Wales and Scotland. Check the ACAS website or call to find out the address of your regional office or to speak to the helpline.

Telephone: **0300 123 1100**
Text Relay Service: **18001 0300 123 1100**

Website: acas.org.uk
Early Conciliation: acas.org.uk/earlyconciliation
Helpline online tool: acas.org.uk/helplineonline

Access to Work

Contact Access to Work if you think you might be able to get help from the scheme.

England, Scotland, Wales:
Telephone: **0345 268 8489**
Textphone: **0345 608 8753**
Email: atwosu.london@dwp.gsi.gov.uk
Website: gov.uk/access-to-work

If you live in Northern Ireland, contact your local Jobs & Benefits office or JobCentre, and visit the website nidirect.gov.uk/articles/access-work-practical-help-work

British Institute of Human Rights (BIHR)

The BIHR helps people to use human rights principles to improve their lives and as a tool for organisations to develop more effective public policy and practice.

The BIHR does not provide advice to individuals or take up their legal cases, but it has a range of useful information on its website, including ‘Your Human Rights’ guides and videos.

School of Law
Queen Mary University of London
Mile End Road
London E1 4NS

Email: info@bihr.org.uk
Website: www.bihr.org.uk

Guides and factsheets (website):
bihr.org.uk/Pages/Category/guides-and-fact-sheets

Citizens Advice

The Citizens Advice service helps people resolve their legal, money and other problems by providing free information and advice. To find your nearest Citizens Advice Bureau, and for useful online information, visit the Citizens Advice website:

England and Wales: citizensadvice.org.uk
Scotland: citizensadvice.org.uk/scotland
Northern Ireland: citizensadvice.org.uk/nireland

Discrimination advice in BSL:
citizensadvice.org.uk/resources-and-tools/advice-in-bsl/discrimination-advice-in-bsl

Discrimination at work: citizensadvice.org.uk/work/discrimination-at-work

Legal costs and legal aid: citizensadvice.org.uk/law-and-courts/legal-system/taking-legal-action/help-with-legal-costs-free-or-affordable-help

Public sector Equality Duty: citizensadvice.org.uk/law-and-courts/discrimination/public-sector-equality-duty/when-can-you-use-the-public-sector-equality-duty

Public sector Equality Duty – taking action: citizensadvice.org.uk/law-and-courts/discrimination/public-sector-equality-duty/public-sector-equality-duty-taking-action

Summary of the EASS (see page 20):
citizensadvice.org.uk/law-and-courts/discrimination/about-discrimination/equality-advisory-support-service-discrimination-helpline

Tribunal fees and help paying them: citizensadvice.org.uk/work/problems-at-work/employment-tribunals-from-29-july-2013

Civil Legal Advice (CLA)

A free and confidential service in England and Wales for people who are eligible for legal aid. If you are not eligible for legal aid, CLA will direct you to other services. You can request online advice or speak to someone on the phone.

Telephone: **0345 345 4345**

Textphone: **0345 609 6677**

Text message: text legalaid' and your name to **80010** to ask CLA to call you back (costs the same as a normal text message)

Website: gov.uk/civil-legal-advice

BSL (booking an online interpreter):
interpretingline.co.uk/home

Civil Mediation Council

The Civil Mediation Council is the recognised authority in the country for all matters related to civil, commercial, workplace and other non-family mediation.

Website: www.civilmediation.org

Contact Scotland BSL

Scotland's British Sign Language Interpreting Video Relay Service (VRS) – enabling contact with all of Scotland's public bodies and third sector organisations.

Online contact form:

contactscotland-bsl.org/contact

Website: contactscotland-bsl.org

Department of Justice Northern Ireland

Provides information on all aspects of the legal system in Northern Ireland, including compensation, courts, tribunals and legal aid.

Department of Justice
Block B
Castle Buildings
Stormont Estate
Belfast
Northern Ireland
BT4 3SG

Telephone: **028 9076 3000**

Textphone: **028 9052 7668**

Website: justice-ni.gov.uk

Disability Law Service (DLS)

The online home of the Disability Law Service, with a mission is to provide free legal advice to people with disabilities and their carers to ensure that they have access to their rights and justice. You can request advice by email or post if you can't use the phone. If you say you have a hearing loss, DLS will try to respond more quickly.

The Foundry
17 Oval Way
London SE11 5RR

Telephone: **020 7791 9800**

Email: advice@dls.org.uk

Website: dls.org.uk

You can request advice by email or post if you can't use the phone. If you say you have a hearing loss, DLS will try to respond more quickly.

Equality Advisory Support Service (EASS)

The EASS helpline gives information, advice and support on discrimination and human rights issues to people in England, Scotland and Wales.

FREEPOST EASS HELPLINE FPN6521

Freephone: **0808 800 0082**

Textphone: **0808 800 0084**

Online contact form: www.equalityadvisoryservice.com/app/ask

Website: equalityadvisoryservice.com

Equality and Human Rights Commission (EHRC)

The EHRC promotes and protects human rights, promotes equality and challenges discrimination. It has a lot of useful information about human rights on its website, including guides explaining how human rights operate in practice.

England: equalityhumanrights.com/your-rights/human-rights

Scotland: equalityhumanrights.com/en/commission-scotland

Wales: equalityhumanrights.com/en/commission-wales

For wide-ranging advice and guidance, on disability, discrimination and more, for individuals, organisations and public sector bodies, go to: equalityhumanrights.com/en/advice-and-guidance

Equality Commission for Northern Ireland

An independent public body that promotes equality and challenges discrimination, through advice, support and enforcement.

Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

Telephone: **028 90 500 600**

Textphone: **028 90 500 589**

Fax: **028 90 248 687**

Email: information@equalityni.org

Website: equalityni.org/Individuals

Equally Ours

A partnership between eight national charities to raise public awareness of human rights in everyday life. The website includes lots of real-life case studies:

equally-ours.org.uk

Gov.uk

A government website providing information about a wide range of topics, including the Equality Act 2010, disability rights and welfare benefits. It also gives links to online government services and organisations that can give you advice and support:

Website: gov.uk/browse/disabilities

Website: gov.uk/check-legal-aid

Website (Equality Act 2010 guidance): gov.uk/guidance/equality-act-2010-guidance

HM Courts & Tribunals Service

Provides information on a range of subjects, including finding a court or tribunal, court and tribunal forms, and fees and help with fees.

Website: gov.uk/government/organisations/hm-courts-and-tribunals-service

Law Centres Network

Law Centres provide free advice and representation. You can find details of your local Law Centre from the Law Centres Network:

Online contact form:

lawcentres.org.uk/contact-us

Website: lawcentres.org.uk/i-am-looking-for-advice

LawWorks

A charity working in England and Wales to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay, and with the not-for-profit organisations that support them.

Website (find a clinic near you):

lawworks.org.uk/legal-advice-individuals/find-legal-advice-clinic-near-you

Liberty

A campaigning organisation that protects civil liberties and promotes human rights. It has a telephone advice line for free legal advice in England and Wales, or you can use the online query form.

Telephone: **020 7403 3888**

Online contact form:

liberty-human-rights.org.uk/contact-us

Website: liberty-human-rights.org.uk

NI Direct

Comprehensive information about government services in Northern Ireland, including on a wide range of services for people with disabilities.

Contacts A-Z: nidirect.gov.uk/contacts

Website: nidirect.gov.uk

Website (people with disabilities):

nidirect.gov.uk/information-and-services/people-disabilities

Office for Disability Issues

Works across government to ensure equality becomes a reality for people who are disabled. Its website has information about the UN Disability Convention.

Website: gov.uk/government/organisations/office-for-disability-issues

Royal Association for Deaf people (RAD)

Provides a wide range of services that Deaf people want and need. All services are delivered in British Sign Language. Also works with mainstream services to help them to ensure their services are accessible to Deaf people.

Telephone: **0845 688 2525**

Email: info@royaldeaf.org.uk

Website: royaldeaf.org.uk

Scottish Court Service

Information about the Scottish Courts and Tribunals Service, the Judiciary of Scotland, the Supreme Courts, Sheriff Courts, Sheriff Appeal Courts, Justice of the Peace Courts, Tribunals and Office of the Public Guardian.

Scottish Courts and Tribunals Service
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Telephone: **0131 444 3300**

Fax: **0131 443 2610**

Email: enquiries@scotcourts.gov.uk

Website: scotcourts.gov.uk

Scottish Government

St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Telephone: **0300 244 4000**
Text relay service: **18001+ 0300 244 4000**
Email: eu@scotland.gsi.gov.uk
Website: scotland.gov.uk
Website for BSL users:
contactSCOTLAND-bsl.org
Website (equality and rights policies): beta.gov.scot/policies/?topics=Equality%20and%20rights

Scottish Legal Aid Board

Provides information about legal aid and whether you may qualify, and where to find a legal aid solicitor.

Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

Telephone (switchboard): **0131 226 7061**
Telephone (legal aid information line):
0845 122 8686
Telephone (financial assessment for legal aid): **0845 123 2330**
Email: general@slab.org.uk
Website: slab.org.uk

Welsh Government

Cathays Park
Cardiff
CF10 3NQ

Telephone (English): **0300 060 4400**
Telephone (Welsh): **0300 060 4400**
Email (English): customerhelp@wales.gsi.gov.uk
Email (Welsh): cymorth@cymru.gsi.gov.uk
Website: wales.gov.uk

Information you can trust

The Information Standard certifies us as producers of high-quality, evidence-based information.

Thank you to **Jenny White, our legal expert**, for helping us review and update this factsheet, published August 2017, using the latest government legislation.

Did you find this factsheet helpful?

We'd love to know what you think of this factsheet – please email us at reviewpanel@hearingloss.org.uk

If you'd like to join our Readers' Panel, to help us create new publications and improve existing ones, please let us know.

Further information from Action on Hearing Loss

Our expert information covers everything you need to know about:

- hearing loss and deafness
- tinnitus
- ear problems and treatments
- hearing aids and cochlear implants
- useful products and technology
- communication tactics and support
- benefits and grants
- your rights.

Visit our website actiononhearingloss.org.uk or call our Information Line ([see last page](#)) for information, support and publications. You can also find out about services in your area, our hearing research, and how you can get involved.

Please help us support others

We provide our leaflets, factsheets and Information Line service free of charge to anyone affected by deafness, tinnitus or hearing loss in the UK. We rely on the generosity of our supporters to help us do this. We would be very grateful if you would consider making a donation – of as little or as much as you can afford.

Please send a cheque, payable to Action on Hearing Loss, to:

Freepost RTLX-CZKX-BTTZ
Action on Hearing Loss
1-3 Highbury Station Road
London N1 1SE
(No stamp needed)

Donate online at actiononhearingloss.org.uk/icanhelp
Or make a donation over the phone by credit or debit card:

 **0203 227 6182**

 **0203 227 6185**

Thank you.

Our purpose is to help people confronting deafness, tinnitus and hearing loss to live the life they choose. We enable them to take control of their lives and remove the barriers in their way.

To find out more about what we do and how you can support us, go to actiononhearingloss.org.uk

Action on Hearing Loss Information Line

Telephone: **0808 808 0123**

Textphone: **0808 808 9000**

SMS: **0780 000 0360**

(standard text message rates apply)

Email: **information@hearingloss.org.uk**

Join us



Action on Hearing Loss



@ActionOnHearing

Publication date: August 2017. Review date: April 2019.

Action on Hearing Loss is the trading name of The Royal National Institute for Deaf People.
A registered charity in England and Wales (207720) and Scotland (SC038926). A1205/0817