



Dyslexia and the
Disability Discrimination
Act (1995) and
Regulations (2003)



Helpline

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Workplace Discrimination and Dyslexia

This pamphlet provides information about what you can do if you feel you have been discriminated against in the workplace, because of dyslexia.

Dyslexia Scotwest prefers to describe dyslexia as a difference rather than a disability, because the effects of dyslexia are just as likely to be positive as they are negative. However dyslexia is defined as a disability under British legislation. This means that dyslexic people are protected against discrimination under the law. This is defined by two pieces of legislation:

- The Disability Discrimination Act 1995
- The Disability Discrimination Act (Amendment) Regulations 2003

This legislation protects against discrimination specifically in the workplace, in the provision of goods, facilities and services, in education, and in public transport.

The Act defines a disability as;

“A physical or mental impairment which has a substantial and long term adverse effect on a person’s ability to carry out normal day-to-day activities” [DDA 1995, Part 1, Section 1 (1)]

Dyslexia is specifically covered under the broad category of a disability which affects “memory, or ability to concentrate, learn or understand”. However, the severity of dyslexia is mentioned in the Regulations, with the implication that mild dyslexia would not necessarily be covered under all aspects of the Act. The important words here are “...substantial and long-term adverse effect”.

In practice, to prove this “substantial and long-term adverse effect” it is necessary for a person to have had an assessment carried out by an appropriate person, which confirms them as being dyslexic. An appropriate person will usually be a medical professional who has been trained to identify dyslexia.

Disclosure

It is often a hard decision whether to tell an employer that you are dyslexic. However, an employer cannot be shown to have discriminated against you if they are unaware of your dyslexia. If you do disclose your dyslexia, it is important to promote the positive affects of dyslexia as well as the negatives. This disclosure also means that an employer cannot legally discriminate against you because of your dyslexia.

In the workplace

The Act and Regulations means that in most cases, an employer cannot discriminate against a person with dyslexia in any of the following areas:

- recruitment and retention of employees
- promotion and transfers
- training and development
- dismissal processes.

The Act does allow for what is called "reasonable discrimination" where a person's disability makes it impossible for them to do a certain job, such as a blind person wanting to be a truck driver. An example of this for dyslexics would be an editing position at a publishing company, which requires the worker to read texts carefully all day every day. Many dyslexics would be incapable of completing this job effectively under any circumstances, in which case it would be reasonable for an employer to discriminate against them by refusing to employ them.

Wherever possible an employer is required to make necessary changes to assist a disabled person to do their job. For dyslexics this could mean the provision of ICT support such as voice recognition software, extra training, provision of coloured overlays etc. However, these changes need to be reasonable. For example it would be unreasonable to expect a dyslexic worker to be provided with a permanent scribe, because that would incur an unnecessary cost on the employer, in having to pay for two people to do one job.

Previously certain businesses and workplaces were exempt from this Act. These included small businesses with less than 20 staff, the police, fire brigade, prison services and defence forces. However, the Regulations and Amendments 2003 have changed this and now the only employers exempt from the Act are the defence forces.

What can you do about discrimination?

It is important to remember that most people are reasonable and discrimination will probably not be an issue. Most employers, schools and other official bodies will be happy to work with dyslexics to solve their problems and it is generally a better option to try to deal with them non-confrontationally at first. Better results are always achieved when an approach is taken where people work together. However, if you feel you have been discriminated against you have a number of options available to you.

The first and usually best option is to point out the discrimination to the employer. Often they do not

realise what they are doing, or the law as it relates to discrimination, and will usually be keen to rectify things immediately. Many workplaces will also have grievance procedures in place and you should be aware of them and exhaust those options first before involving outside parties. An informal approach to workplace issues is obviously a good option as they maintain trust and good relations between employers and employees.

However, if you cannot solve your problem informally, you could consider involving an outside arbitrator to assist you to solve it. A neutral arbitrator is often able to help two or more parties to solve their differences. You can arrange a neutral arbitrator by contacting the Advisory Conciliation and Arbitration Service (ACAS), either through their website (<http://www.acas.org.uk/>) or by telephone at 0141 248 1400 for the Glasgow office.

Your final option, and one you should only consider as a last resort, is to make a complaint to the Disability Rights Commission Tribunal. To do this is quite a convoluted process but you can begin by

visiting their website (<http://www.drc.org.uk/>) or by calling the DRC helpline on 08457 622 633. It is important to remember that any complaint to the tribunal must be made within three months of the act of discrimination occurring.

The tribunal process is drawn out and can potentially cause a lot of stress and hardship to people involved in the process. You should consider seriously what you hope to achieve before starting the tribunal process. At the tribunal your case will be heard by a panel of three people, one of whom is legally qualified, the other two being laypeople. They will consider the case and after deliberation, deliver an outcome. They consider both sides of the case equally and will determine whether an instance of discrimination has occurred.

Further Information

The Disability Discrimination Act and Regulations are complicated pieces of legislation and the information contained in this pamphlet should be used as a starter only. Dyslexia Scotwest takes no

responsibility for any discrimination cases undertaken as a result of information contained in this pamphlet. If you are considering a discrimination case you should seek professional advice before proceeding. Organisations such as the Citizens Advice Bureau (see www.cas.org.uk/ for your nearest office) can help you with this.

Following consultation with our Service users our leaflets are prepared in Comic Sans font, size 14 on coloured paper as this is considered to be the most dyslexic friendly format.

Open daily

Monday to Friday

9.30 am till 4.30 pm

Please phone before visiting our office to ensure that someone is available to see you

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While every effort has been made to ensure the accuracy of the information contained in this pamphlet, we cannot be held liable for changes that may occur.