

How to ensure equal opportunities for disabled employees

*A YouGov survey in June 2021 showed that 30% of disabled employees in the UK feel they have been treated unfairly at work during the COVID-19 pandemic. By law, every employer must make reasonable adjustments for disabled members of staff. But the statistics show that employers are not complying. **Jasmine Virhia** discusses ways to create an inclusive environment to ensure that disabled people are afforded with the same career opportunities as their non-disabled colleagues.*

Non-visible disabilities are one of the themes of the UK's Disability History Month (UKDHM)—18 November-18 December in 2021. Non-visible disabilities or health conditions are not immediately recognisable, nor can they be seen “from the outside.”

The [Equalities Act 2010](#) defines disability as “a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities”. In the UK, 14.1 million people (1 in 5) are disabled. Of those, over 70% are thought to have non-visible disabilities ([POST, 2021](#)). These include (and are not limited to) asthma, auto-immune diseases, cancer, cardiac issues, chronic pain, hearing loss and deafness, dementia, diabetes, epilepsy, fibromyalgia, and HIV.

Other non-visible disabilities pertain to psychological health conditions, such as anxiety and depression, and neurodiverse conditions such as autism and ADHD. Non-visible disabilities often defy the stereotypes of what people think disabled people look like. You will notice that the terms “invisible” and “hidden” have not been used throughout this article. This is because the former can often erase the legitimacy of a disability, implying that it does not exist and “hidden” can suggest that someone is attempting to hide their disability when this is not the case.

Employment and unfair treatment by employers during the pandemic

In the second quarter of 2021, the disability employment rate was 52.7% in comparison to 81% for non-disabled people, thus resulting in an employment gap of 28.3%. The employment rate was lower for disabled people with a mental health condition or five or more health conditions. The number of people identifying as disabled was greater for women (920000, 24.4%) in comparison to men (450000, 14.4%), and younger people aged 16-34 (770000, 45.9%), in comparison to older people aged 35-64 (590000, 11.4%). The 4.4 million disabled people employed at the start of 2021 were also found to be paid 16.5% less than their non-disabled peers ([The employment of disabled people, GOV.UK, 2021](#)).

Data [published](#) by the Office for National Statistics (ONS) in February 2021 showed that redundancy rates are 62% higher for disabled workers. From July-November 2020, 21 per thousand disabled employees were made redundant in comparison to the 13 per thousand of non-disabled workers. A YouGov [survey](#) for the Trade Union Congress (TUC) in June 2021 showed that 30% of disabled workers reported being treated unfairly at work during the COVID-19 pandemic. Of those surveyed, 8% (1 in 13) reported instances of bullying and/or harassment, being ignored or excluded, being singled out for criticism, or being excessively monitored during working hours; 12% (1 in 8) were concerned that their disability had affected chances of future promotion; and 13% (1 in 8) reported concern that their disability had affected how their manager would assess their performance. Although employers were able to use furlough to protect workers needing to shield, 21% (1 in 5) workers continued to work outside of their home.

For those who asked employers for reasonable adjustments during the pandemic, just over half (55%) reported that adjustments were made in full. Approximately a third (30%) reported not getting all adjustments and 16% reported that none were put into effect whatsoever. Although lower than the previously reported percentages, the latter (16%) is shocking. By law, every employer *must* make reasonable adjustments for disabled members of staff so they can do their job safely and successfully. Of those who continued to work during the pandemic, a quarter (25%) reported feeling unsafe at work due to the possibility of catching and/or spreading the virus. Additionally, 46% of those who had an increased risk of contracting COVID-19 due to health conditions or the nature of their disability did not discuss these additional risks with their employer. Not only did employers fail disabled people throughout the pandemic but they also acted unlawfully. So, what should you be doing as a leader to create a more inclusive environment for disabled people, to retain your diverse talent, and to ensure that disabled people are afforded with the same career opportunities?

Reasonable adjustments

The first step is recognising that to be included and achieve equality within an organisation, people need to be treated differently. Reasonable adjustments remove barriers in working practices and environments to ensure that disabled people are not at a disadvantage. Making reasonable adjustments is particularly important for those with non-visible disabilities. They often defy stereotypes on how a disabled person is “supposed to look” or “supposed to behave.” As an employer, you have a duty to make such adjustments.

Why are reasonable adjustments important?

Research by the Business Disability Forum ([BDF, 2015](#)) suggests that workplace adjustments implemented and executed effectively were one of two main factors in the retention of disabled staff. Additionally, recognition of adjustments not just for disabled staff, but for all members of staff can benefit the entire workforce and works to remove stigma often associated with identifying as disabled. Developing inclusive policies and practices will enable your organisation to recruit, retain and amplify a diverse range of talent whilst simultaneously improving your reputation with employees, clients, and key stakeholders.

How do I know if someone needs reasonable adjustments?

Some employees will tell you and if they do, this is likely a sign that they feel comfortable to do so. As a leader, however, you should also be aware that some employees may not feel comfortable disclosing their needs, but there may be indications that they require additional support. These include changes in behaviour such as performance, attendance, and routine; working excessive hours outside usual hours expected of them; appearing withdrawn, distracted or in pain; changes in appearance; taking regular sick days or booking frequent annual leave.

There should be no focus on whether someone meets the legal definition of disability, nor should you ask for medical proof. As a manager, you are not required to know any specific information regarding the nature of someone’s diagnosis or medical history, nor is there a legal obligation for employees to tell you. In fact, 12% (1 in 8) disabled workers told the TUC that they have not told their employer about their disability or health condition as they fear being treated unfairly or even losing their job. This only highlights that a shift away from the act of “disclosing” will benefit transparency in conversations about disability. Disabled people should not feel like they are discussing something shameful, but instead should be encouraged to share in an open conversation, where their psychological safety is of the utmost importance.

How do I as an employer go about making adjustments?

Always start with the person needing the adjustment. It’s as simple as asking someone what they need, but it’s important to remember that someone may have only recently become disabled or developed a long-term condition and may not know the possible effects on their work. Do you have a policy on providing workplace diagnostic assessments that could be used to help those unsure of the effects of their disability or long-term health condition? Consider what adjustments can be made under your authority. If you are unsure, it is your duty as a leader to find out what is possible and speak to the relevant persons within your organisation.

“Soft” adjustments relate to working practices, including flexible working, remote working, the reallocation or adjustment of responsibilities, reducing or adjusting hours and targets, and implementing a mentoring/buddy system. “Hard” adjustments relate more to physical changes such as providing assistive technology/software, equipment (keyboard, mouse), furniture (desks, chairs), fixtures and fittings, accessible facilities (ramps, lifts) and providing alternative formats of information necessary for someone to carry out their duties. It’s critical to remember that reasonable adjustments vary from person to person. You should not adopt a “one size fits all” approach, nor should your default response to requests be “no.” If some adjustments cannot be accommodated for in full, assess what alternatives can be made.

Returning to and starting work post-pandemic

The way in which we work and communicate has changed significantly since the start of 2020. The impact of COVID-19 risks reversing the improvements made for disabled people joining or staying in the labour market. As hybrid working becomes increasingly common, ensure that those chairing meetings are trained in how to lead hybrid meetings to avoid possible exclusion. Consider that listening, watching a presentation, and keeping track of a chat room can be difficult for everyone, but particularly neurodiverse individuals, who can experience significant sensory overload. Think about minimising the use of chat functions and instead asking people to signal that they would like to speak, so communication methods are consistent across the team. Also make sure that those in person are not starting side conversations which those online cannot access.

Assess your recruitment and selection processes. Do they appear barrier free? Disabled people move into work at almost one-third of the rate (11.0%) of non-disabled people (26.9%) peers and out of work (8.8%) at nearly twice the rate of non-disabled workers (4.9%) ([GOV.UK, 2021](#)). So, it is imperative to consider how your organisation can work towards increased hiring of disabled people. A scheme that guarantees disabled people interviews when they meet the minimum criteria for a role will lead to increased employment and diversify your talent pool. Also consider methods of interview. Are you assessing someone on their interpersonal skills in a verbal interview when their role will predominantly be focussed on their technical capabilities?

How do I know if I am supporting my disabled employees enough?

Consider whether disability is actively discussed in your workplace. Is there a workplace culture where people are encouraged to talk about disability? Could you facilitate this with awareness days, the creation of in-house networks, mentoring schemes and blog writing opportunities? Have you trained your management in how to have supportive and potentially sensitive conversations? Create a clear workplace adjustment process and make sure to review adjustments regularly on both a business and individual level. Are you talking to disabled employees about their continuing professional development and career progression? This is important because such considerations may not look the same as those for your non-disabled employees.

If you feel that policies and perspectives in your workplace are outdated, raise this with HR and those responsible. Also consider contacting the Business Disability Forum. Their practical advice, support, and thought leadership are rooted in the experience of 400+ members with over 8 million employees worldwide. They offer inclusion policy reviews and have found that occupational health within organisations often maintain a strictly medical perspective on disability i.e., “something that needs to be fixed” and is associated with negative and dehumanising language ([Andrews, 2016](#)). Instead, adopting the social model of disability—which suggests that disabled people are not disabled by an impairment, but in fact by societal, environmental, and attitudinal barriers—will ultimately change the way in which you and your organisation understand disability.

Ableism has been shown to intersect with other systems of oppression, including racism, sexism, homophobia, and transphobia ([Gillborn, 2015](#)). Disabled people of colour (POC) are more likely to experience the effects of ableism than white disabled people ([Blanchett et al., 2009](#)). Consider if a disability network in your organisation addresses intersectionality and interacts with other peer networks such as women’s networks, LGBTQI+ networks and those for minoritised racial groups. Whilst people of colour and other minoritised groups have consistently played a critical role in disability activism, their efforts are often overshadowed ([Bell, 2010](#)) and the opportunity for disability networks to converge with other social justice movements will promote interdependence and solidarity amongst different groups and types of disability ([Mingus, 2011](#)), whilst simultaneously addressing issues of power and privilege in your organisation ([Sins Invalid, 2016](#)).

How do I consult but not overwhelm disabled staff?

Recognise the emotional labour and time that disabled staff spend on providing consultation, setting up, and maintaining networks within your organisation. All of this should be considered a form of work and disabled staff should be remunerated in some way (time in lieu or pay for example).

Consider the National Disability Strategy (NDS)

From January to April 2021, the government participated in their largest listening exercise to date, with over 14,000 respondents (who were either disabled themselves, carers of disabled people, or parents of disabled children). The input helped formulate the [National Disability Strategy](#) (other accessible formats of the strategy can be found [here](#)), which aims to address the disability employment gap by means of workforce reporting on the number of disabled people in a given organisation, an online information hub with details on workplace navigation and discrimination and the piloting of an Access to Work Passport scheme.

Conclusion

It is essential for employers to recognise that implementation of strategies for inclusion and equity of disabled workers must be rooted in their lived experience. It is the responsibility of us all—especially non-disabled people—to ensure fairer working conditions and opportunities so the history of discrimination that disabled people have faced does not repeat itself. Instead, we must celebrate disabled lives, challenge ableism, and foster equitable working environments.



Notes:

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