

## Helpful Information Discrimination Series

Fibromyalgia is a form of chronic pain syndrome, the symptoms of which leave people with overwhelming pain, headaches, sleeplessness and depression. Managing such conditions at work can be challenging but you should not be placed at a disadvantage because you are a sufferer.

If your condition is classed as a disability under the Equality Act, your employer is obliged to make 'reasonable adjustments' and may be able to get funding through the Access to Work scheme, via the Jobcentre Plus.

The Equality Act 2010 defines disability as "a physical or mental impairment which has an effect on a person's ability to carry out normal day-to-day activities." This could include 'hidden' impairments or disabilities and the effect must be "substantial, adverse and long-term."

It is possible for you to request your employer carries out an assessment via an expert such as Occupational Health in order to establish if there are any reasonable adjustments that can be made. Thereafter, following your request, your employer must take reasonable steps to implement the adjustments suggested (as long as they are able to do so).

### **Adjustments might include:**

- Additional support, particularly if you have just been diagnosed with a condition
- Flexible or reduced hours
- Working from home
- Longer rest breaks
- Dispensation for related absences
- Allowing you to pace your own workload
- Adaptations to your work space or position
- Aids to help memory/concentration if this is a symptom of your condition.

## Making a claim

If your employer does not consult with you, carry out the necessary checks and investigations and make any reasonable adjustments required, your work may suffer. In some circumstances you may find that you are dismissed on the basis that you are unable to carry out the role. If this is the case then you may be entitled to claim against your employer for disability discrimination. There is no minimum length of employment required to bring a claim at the Employment Tribunal, but it is important to lodge your claim with ACAS within 3 months of the act of discrimination occurring. It is therefore essential that you take legal advice on your situation at an early stage and as soon as possible.

If you need help or advice regarding disability discrimination, then our experienced Lawson West employment team is here to assist you.

**Call us on 0116 212 1000** or alternatively complete the free [Contact Us](#) form and we will get in touch as soon as possible.