



**IP**INCLUSIVE

Working for diversity and inclusion in IP

# Workplace Adjustments

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# Legal Framework

## Legal Duty

- All employers have a duty to make reasonable adjustments to any **provision, criterion or practice (PCP)** applied by them, or to any physical feature of their premises that puts someone who is disabled at a substantial disadvantage.

## Section 6 of the Equality Act 2010:

- A person has a disability if:
  - the person has a physical or mental impairment, and
  - the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.



# Supporting All

- In reality it is not always clear whether a medical condition or set of individual circumstances meets the legal definition
- Aim to support everyone to thrive and perform at their best



# Job Applicants

- Consideration of adjustments starts before someone has joined an organisation
- Consider Employer Brand
- Recruitment Agencies
- Many different kinds of adjustment, some are small and often free and benefit all
- Ensure candidates are aware that asking for adjustments will not impact on the decision making process



# Internal Policies

- Legislation is far reaching
- Make reasonable adjustments where a policy or procedure puts a disabled employee or worker at a substantial disadvantage
- *Consider **Land Registry and Houghton***
- Impact Assessment / checklist



# An individual approach...

**In cases where a disability is confirmed or likely to meet the definition**

- Encourage people to talk about what they need or make suggestions
- Expert / medical advice is also important
- Avoid the trap that one size fits all
- Avoid putting in place adjustments that do little to avoid the individual's particular disadvantage

***Linsley v Revenue and Customs Commissioners***



# An individual approach...

## Top tips:

- When unsure or dealing with complex disabilities seek expert advice
- Expert advice – the individual / their doctor / occupational health
- Ask relevant and practical questions regarding the medical condition or disability to gain a full understanding
- Avoid delay



# What is reasonable?

- Consider **how effective** the adjustment is going to be at **removing** that particular disadvantage
- Consider disruption to the business, cost, the effect on others caused by that adjustment and health & safety considerations



[Access to Work: get support if you have a disability or health condition: What Access to Work is - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/what-access-to-work-is)



# A supportive & inclusive environment

- Inclusive Leadership
- Creation of working environments where people feel comfortable to talk about the issues affecting them is key to success
- Prevention and early intervention is good for our people and for business



# Some suggestions:



- **Story telling** (a range of inclusion stories)
- **Publicise** examples of adjustments and case studies - one size doesn't fit all
- Mention adjustments in **policies**
- High quality **line management** - train managers to support their staff and build trusting relationships/teams
- **Wellness plans** that are regularly reviewed and discussed between employee and manager (training for managers)



# Some suggestions:



- **Risk Assessments** - a live document
- **Occupational Health (OH)** – ensure that OH is known to be a good thing in helping employers and employees to resolve issues
- **Employee Assistance Programme (EAP)** – ensure people know how to access it
- **A point of contact** in the business
- **Mental health first aiders (MHFA)** – the CIPA website has contacts for Mental Health first aiders



# And finally.....

- Reframe workplace adjustments - many are small and low cost but make a huge difference.
- Businesses who get this right are those best positioned to recruit and retain the best talent!





Thank you!

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