

Dyslexia

It is known that a number of employees have been unfairly dismissed or discriminated against because they suffer with dyslexia even though there is legislation which states employers are obliged to make provisions against this.

Your employer must firstly understand what dyslexia is and what reasonable adjustments you may need to help ensure your ability to carry out your role. In some circumstances employees that do not receive the necessary reasonable adjustments or find that they are harassed or unsupported by managers or their fellow employees, may be being discriminated against.

Many employees have never been diagnosed with dyslexia and may even be unaware that they have dyslexic problems. Some employees may have been assessed previously but fear telling others about it, including their employers, for fear of improper treatment. Nevertheless, if you do have dyslexia, it is important to tell your employer so you can be protected and helped.

Once your employer has been told about your dyslexia or been given a copy of an assessment report, they are on notice that they have a duty under the Equality Act to consider any adjustments and/or additional support you may need.

Full assessment

To get support the employer needs to carry out a full assessment of the dyslexia. This is called a full diagnostic assessment. Dyslexia is unique to each individual affected and therefore it is important to know your level of dyslexia to decide what are the best adjustments and adaptations that can be made. Most large employers and those in the public sector would be expected to fund a dyslexia assessment for an employee as part of their duty under the Equality Act. If you are employed by a small company then it would be reasonable for them to help with the cost.

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Once a diagnostic assessment has been obtained, a workplace assessment should be organised with a dyslexia specialist. This will detail the suitable reasonable adjustments that need to be implemented to help you perform your role and reduce any stress. It is suggested that this should not be carried out individually by yourself or your employer given the specialist nature of the assessment. These assessments can be carried out by Access to Work via Job Centre Plus or Dyslexia Action. If the assessor decides that adjustments do need to be made then they should be made as soon as possible, subject to their reasonableness. In addition a period of time and training should be allowed to permit you to progress in your role with the adjustments. It is also suggested that managers and fellow colleagues should also be involved and trained as part of the process to maximize the support to you in carrying out the role.

Making a claim

If your employer does not consult with you, carry out the necessary checks and investigations and make the necessary reasonable adjustments, your work may suffer as a result. In certain instances you may find that you are dismissed on the basis that you are unable to carry out the role and 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 you must always remember that it is important to lodge your claim within 3 months of the act of discrimination occurring. It is therefore vital to take legal advice on your situation at an early stage and as soon as possible.

Contact Ashley Hunt & Carrie-Ann Randall on 01858 445 480 or Vaishali Thakerar & Alex Reid on 0116 212 1000 if you have been discriminated against because of dyslexia.