

Hearing Loss

It is known that a number of employees have been unfairly dismissed or discriminated against because they suffer with hearing loss which may or may not be profound.

It is important that your employer looks to establish in the first instance, whether or not your hearing loss would constitute a disability. This may be established by undertaking an assessment into your abilities and effects your hearing loss has on you and your performance in the 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. Once a report has been obtained by either Occupational Health or a specialist, any guidance and recommendations should be implemented as quickly as possible where practical, dependant on the size and resources of the employer.

Reasonable adjustments

Your employer has a duty to carry out enquiries to ensure that all suitable reasonable adjustments are made to help you undertake your role.

There are a number of ways that your employer can investigate this including involving Occupational Health and Access to Work through the Job Centre Plus.

Some employers choose to offer awareness training to help other staff members overcome communication barriers.

Hearing Loss

Other adjustments can include providing:

- a telephone typewriter, which allows a person with a hearing impairment to type a telephone conversation instead of speaking.
- audio loop: a wire loop that goes round a particular area (e.g a conference room) and provides amplified sounds to a hearing aid;
- FM and infrared listening systems, which have multiple personal receivers that can be fitted with headphones or 'neck loops' for hearing aid wearers (e.g. in meetings or training sessions).
- adapted application/interview processes

Making a claim

If your employer does not consult with you, carry out the necessary checks and investigations or make any reasonable adjustments, 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.

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 a hearing impairment.