

# Inflammatory Bowel Disease

If you are an employee suffering from an inflammatory bowel disease i.e. Crohn's disease or colitis, you may feel some anxiety about whether your employer will treat you differently for matters associated with your ill health - such as time off. The law offers some protection, but the level will depend on whether you qualify as disabled as described within the Equality Act 2010.

Not everyone with IBD may consider themselves to have a disability, but in practice, you may well qualify for protection against discrimination.

If you are considered to have a disability because of your condition, you have the right to request a 'reasonable adjustment'.

Thereafter your employer must take reasonable steps to implement the adjustments to your workplace or work arrangements required to ensure you are not at a 'substantial disadvantage' compared to other employees. It may be of benefit to seek the support of an Occupational Therapist who could provide you with examples of some adjustments that can be made to your role.

Reasonable adjustments could include:

- allowing time for medical appointments or treatment
- dispensation for your level of absence, if related to your disability
- flexible working arrangements, e.g. shorter hours or a different working pattern
- moving your work station so it is near a toilet
- providing you with a car parking space close to the entrance to your work premises

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- unlimited toilet breaks
- allocating some of your duties to someone else
- offering a different place of work
- offering you new tasks that are more suitable and providing training on them if required

Your employer may be entitled to financial assistance to help fund any adjustments needed through Access to Work via the Jobcentre Plus.

## **Making a claim**

If your employer does not consult with you, carry out the necessary checks and investigations and make any reasonable adjustments required following your request 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 IBD condition.**