

Migraine

One in seven people suffer from migraine, with attacks ranging from once or twice a year to several times a week. A CBI survey found that migraine/chronic headache was the second most frequently identified cause of long term absence at 47% of employees with non-manual jobs. However, the condition is often trivialised and instances of discrimination against migraine sufferers at work are still relatively frequent.

In such cases, the protection of the Equality Act applies and means that employers must not discriminate against a migraine sufferer due to their condition, furthermore, the employer is obliged to make reasonable adjustments to help you continue in your employment.

Common adjustments for migraine sufferers include:

- Disregarding some absence related to the disability so you are not disadvantaged by the employer's absence policy
 - Allowing flexible working hours
 - Allowing you to work from home to make up for time missed
- Allowing you to take frequent breaks to avoid trigger factors such as working at a computer or managing machinery
 - Allowing time off for medical appointments
- Redeployment to a different role if migraine is affecting your current position
- Ensuring a work environment that is not conducive to migraine e.g. controlling glare from lighting, ensuring correct chair for posture, and good ventilation
 - Providing an antiglare screen for your PC.

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It is important that you advise your employer as soon as possible that you suffer with migraines and the effects these have on you and your abilities. Your employer can get advice and support about making adjustments to the workplace from the government's Access to Work scheme. Good practice would be to consult thoroughly with you to fully understand what your condition involves and what they can do to help.

More information on migraine is available from Migraine Action, the national advisory and support charity for people affected by migraine.

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.

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 migraine.