

Employer legal essentials guide: Disability, health and inclusion

This guide provides you with a clear, practical overview of the key legal responsibilities linked to disability, health and fairness at work. It is designed to build confidence, reduce uncertainty and support inclusive decision-making, without overwhelming employers with legal jargon.

This is a practical reference to help you understand your responsibilities and know where to go for further support.

Section one: The legal framework – what employers need to know

In the UK, employers have a legal duty to ensure people are treated fairly at work, particularly where health conditions or disabilities are involved.

Key legislation includes:

- **The Equality Act 2010** – protects employees and job applicants from discrimination related to disability and long-term health conditions.
- **Health and Safety at Work etc. Act 1974** – requires employers to protect employee health, safety and welfare.
- **Employment Rights Act 1996** – covers fair treatment, dismissal and absence management.

Section two: Disability under the Equality Act 2010

Under the Equality Act, a person is considered disabled if they have:

- A physical or mental impairment
- That has a substantial and long-term negative effect on their ability to carry out normal day-to-day activities

This can include:

- Physical impairments
- Long-term health conditions
- Mental health conditions
- Neurodivergent conditions

Importantly, not all disabilities are visible and not all disabilities will be disclosed to an employer.



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Section three: Reasonable adjustments – your duty as an employer

Employers have a legal duty to make **reasonable adjustments** where a disabled employee or candidate would otherwise be disadvantaged.

Adjustments might include (but are not limited to):

- Changes to working hours or patterns
- Adjustments to duties or workload
- Changes to the physical or sensory environment
- Providing equipment, software or additional support

What is “reasonable” depends on:

- The size of your business
- Cost and practicality
- The effectiveness of the adjustment

Many adjustments require little to no cost for the employer, yet provide significant support for employees and boost wellbeing, retention and productivity.

Section four: Discrimination – what to avoid

The law protects against:

- **Direct discrimination** – treating someone less favourably because of disability
- **Indirect discrimination** – policies or practices that disadvantage disabled people
- **Discrimination arising from disability** – negative treatment linked to disability-related absence or behaviour
- **Failure to make reasonable adjustments**
- **Harassment or victimisation**

Intent is not required. Discrimination can occur even if it is unintentional.

Section five: Confidentiality, disclosure and data protection

- Employees are **not required to disclose** a health condition or disability unless they choose to.
- Any disclosed health information **must be treated as confidential**.
- Information should only be shared on a **need-to-know basis**, with the employee’s consent.
- Health data is classed as **special category data** under UK GDPR.



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Section six: Policies, people and good practice

While the law sets minimum standards, good practice often goes further. Many employers find it helpful to:

- Involve employees when developing or reviewing policies
- Keep policies clear, practical and relevant
- Review adjustments regularly, not just once
- Focus on fairness, flexibility and trust

Inclusive policies work best when they are understood, applied consistently and shaped by real experiences.

Section seven: When to seek further advice

If you are unsure:

- Seek advice from **ACAS**
- Use government guidance on reasonable adjustments
- Consider specialist disability or employment advice

Knowing when to ask for help is part of responsible leadership.



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