

● **Further details**

Disability Rights Commission (DRC) Helpline

Free advice if you feel you have been treated unfairly.

Open 08:00 to 20:00, Monday to Friday
See back page of this leaflet for details.

See also on the DRC website (www.drc-gb.org/knowyourrights/employment.asp)
'Employment, health and disability – Getting in, staying in and getting on'.

Disability Alliance

Publishers of the Disability Rights Handbook, can advise on tax credits and are regarded as the leading authority on social security benefits for disabled people.

Disability Alliance
Universal House
88-94 Wentworth Street
London E1 7SA

Telephone (voice and minicom): 020 7247 8776
Fax: 020 7247 8765

Disability Gov

Information about UK disability legislation and disabled people's rights.
Website: www.disability.gov.uk

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If you require this publication in an alternative format and/or language please contact the Helpline to discuss your needs. It is also available on the DRC website: www.drc-gb.org

The DRC Language Line service offers an interpretation facility providing information in community languages and is available on the DRC Helpline telephone number 08457 622 633. You can email the DRC Helpline from our website: www.drc-gb.org

Other leaflets currently available

- Who has rights under the Disability Discrimination Act 1995 (DDA)?
- What are reasonable adjustments?
- Health and safety
- Discipline and dismissal
- Pensions
- Sick leave, sick pay and medical appointments
- Getting into work – my rights

- ☎ **Telephone** 08457 622 633
- ☎ **Textphone** 08457 622 644
- Fax** 08457 778 878
- Website** www.drc-gb.org
- ✉ **Post** DRC Helpline
FREEPOST MID 02164
Stratford upon Avon
CV37 9BR

Redundancy



A series of leaflets providing practical advice and information on getting and keeping employment



INVESTOR IN PEOPLE



If you have a disability or a long-term health condition, your employer has to make sure that no policy or procedure relating to redundancy and retirement discriminates against you.

● What safeguards do I have that I will not be treated unfairly when my employer needs to make people redundant?

You should not be selected for redundancy or retirement on the basis of any aspect that relates to your disability. Criteria that you therefore need to give particular attention to are those relating to:

- sick leave
- attendance
- flexibility
- skills
- productivity.

Your employer can of course use the criteria mentioned above for redundancy selection but if they select you or another disabled person they must be able to show that:

- These issues have a substantial and material effect on the job in question and on the organisation or business.
- They have taken steps to make reasonable adjustments to help you do your job to the best of your ability, prior to using these criteria for redundancy selection. This means, for example, that if your attendance record, discounting absence due to a long-term health condition or disability, is at least as good as that of other employees, it would be discriminatory to select you for redundancy above anyone else because of your time off for hospital appointments related to your health condition.

- They have taken reasonable steps to redeploy you to another role (including a more senior one).

In the consultation normally carried out during a redundancy process, your employer needs to make all information available to you in a format which is not only accessible to you but also helps you understand what is being done so that you can fully participate.

● Is early retirement on ill health grounds an option?

Ultimately this is the pension fund's trustees' decision. But only if no reasonable adjustments or redeployment are possible can your employer recommend retirement on ill health grounds. If you have private health insurance, you may want to explore making a claim.