

Be prepared to adjust: making reasonable adjustments for dyslexic workers

```
[et_pb_section fb_built="1" _builder_version="3.0.100"
background_image="http://davidk423.sg-host.com/wp-content/uplo
ads/2017/09/bdbf_final-stages-1-4-1.jpg" custom_padding="|||"
global_module="2165" saved_tabs="all"
global_colors_info="{ }"] [et_pb_row _builder_version="4.16"
min_height="66.4px" custom_padding="50px||||false|false"
global_colors_info="{ }"] [et_pb_column type="4_4"
_builder_version="4.16" custom_padding="|||"
global_colors_info="{ }"
custom_padding__hover="|||"] [et_pb_text
_builder_version="4.16" _dynamic_attributes="content"
text_font="|700|||||||" text_font_size="27px"
background_layout="dark" custom_margin="0px|||"
custom_padding="0px|||" global_colors_info="{ }"] @ET-
DC@eyJkeW5hbWljIjpb0cnVlLCJjb250ZW50IjoicG9zdF90aXRzZSIsInNldHR
pbmdzIjp7ImJlZm9yZSI6IiIsImFmdGVyIjoiIn19@[ /et_pb_text] [et_pb_
text _builder_version="4.16" _dynamic_attributes="content"
_module_preset="default" text_text_color="#FFFFFF"
global_colors_info="{ }"] @ET-
DC@eyJkeW5hbWljIjpb0cnVlLCJjb250ZW50IjoicG9zdF9kYXRlIiwic2V0dGl
uZ3MiOnsiYmVmb3JlIjoiIiwiaWZ0ZXIiOiIiLCJkYXRlX2ZvcmlhdCI6ImRlZ
mFlbHQiLCJjdXN0b2lfZGF0ZV9mb3JtYXQiOiIifX0=@[ /et_pb_text] [ /et_
pb_column] [ /et_pb_row] [ /et_pb_section] [et_pb_section
fb_built="1" admin_label="section" _builder_version="4.16"
global_colors_info="{ }"] [et_pb_row admin_label="row"
_builder_version="4.16" background_size="initial"
background_position="top_left" background_repeat="repeat"
global_colors_info="{ }"] [et_pb_column type="4_4"
_builder_version="4.16" custom_padding="|||"
global_colors_info="{ }"
```

```
custom_padding__hover="|||"][et_pb_text
_builder_version="4.17.4"      text_orientation="justified"
hover_enabled="0"              use_border_color="off"
global_colors_info="{}" sticky_enabled="0"]
```

Did you know that approximately 6.3 million people in the UK suffer from dyslexia? With around 10% of the population affected, it is important for employers to understand what obligations they have, if any, towards dyslexic workers.

Earlier this month, “World Dyslexia Awareness Week” aimed to raise awareness and help dyslexic people feel seen, heard and accepted for the individuals they are. In this briefing, we explain what dyslexia is, when it constitutes a disability under the Equality Act 2010 (the **Act**) and the potential obligations on employers to make reasonable adjustments.

Is dyslexia always a disability?

Under the Act, a disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on an individual’s ability to carry out normal day-to-day activities. Dyslexia is classified as a neurodiverse condition because it adversely affects the way a person learns and processes information. Consequently, dyslexia would be regarded as a mental impairment under the Act. As a lifelong condition, it would also be regarded as having a long-term impact.

However, this does not mean that dyslexia will always qualify as a disability. Although it has the potential to have a substantial adverse effect on a person’s daily activities, this is not always the case. For an individual’s dyslexia to have a substantial adverse effect, it must have more than a trivial or minor impact on their ability to carry out normal day-to-day activities.

Protection for dyslexic workers who are disabled

The Act seeks to protect disabled people from discrimination

in the workplace and in wider society. Importantly, employers have a duty to make “reasonable adjustments” for disabled job applicants and workers. This means that where a person’s dyslexia amounts to a disability under the Act, a duty to make reasonable adjustments may be imposed on an employer.

This duty will be triggered for disabled dyslexic workers where the employer knows (or ought to have known given the facts available to them), that the worker has dyslexia and that the worker was likely to be placed at a substantial disadvantage compared to non-disabled people, because of:

- a provision, criterion or practice of the employer;
- a physical feature of the employer’s premises; or
- the non-provision of auxiliary aid.

Where the duty applies, the employer must take reasonable steps to reduce the disadvantage. If an employer fails to comply with their duty to make reasonable adjustments this will amount to discrimination under the Act. Importantly, employers need to remember that if the duty applies, they are required to take a proactive approach rather than wait for the worker to ask for a change.

When will an adjustment be reasonable?

The duty to make adjustments only requires an employer to take such steps as it is reasonable to take in order to avoid the disadvantage experienced by a disabled person. Measures which would impose a disproportionate burden on the employer do not have to be taken. A holistic approach should be taken in which the effect of all steps is considered, not in isolation, but as a whole.

Further, an employer should consider the extent to which a step will be effective in preventing substantial disadvantages to a disabled person. To improve the chances that that steps will be effective, an employer should seek to consult the disabled person about their proposed step. When considering

whether an adjustment is “reasonable”, the following factors are relevant:

- the practicability of the step;
- the size, nature and resources available to the organisation;
- the financial and other costs of the adjustment;
- the extent to which the adjustment would disrupt the business;
- the impact on other employees;
- the timing of the adjustment; and
- health and safety or other obligations on the organisation.

What sort of adjustments might need to be made for a dyslexic job applicant or worker?

As a starting point, it is good practice for employers to ensure that they proactively review all workplace policies from time to time to ensure that they do not risk causing substantial disadvantages to disabled workers.

Specific adjustments that may be considered reasonable for dyslexic job applicants and workers include:

- affording dyslexic applicants and workers more time to carry out certain tasks;
- giving verbal as well as written instructions;
- providing assistive technology such as a screen reader, scanning pen or text-to-speech software;
- highlighting the key points in documents;
- using different formats to convey information e.g. audio, video, diagrams and flowcharts; and
- permitting the use of digital recording devices in meetings and training sessions so that the worker doesn't have to take written notes.

The British Dyslexia Association offers [further examples](#) of adjustments that may be helpful.

In addition, it can be helpful to keep a record of reasonable adjustments made for disabled workers. An up-to-date reasonable adjustment record can help an employer ensure that all reasonable adjustments are appropriate and that the information is passed seamlessly between managers. This saves the worker from having to explain their condition and what they support they need each time there is a change in line management.

BDBF is a law firm based at Bank in the City of London specialising in employment law. If you would like to discuss how you can support members of your workforce who have dyslexia, please contact Anthony Nzegwu (AnthonyNzegwu@bdbf.co.uk), Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.

[/et_pb_text][et_pb_text fb_built="1" _builder_version="4.16" global_colors_info="{}"]
[et_pb_row _builder_version="4.16" global_colors_info="{}"]
[et_pb_column type="4_4" _builder_version="4.16" global_colors_info="{}"]
[/et_pb_column][et_pb_row][et_pb_section]