



# Discrimination at work

This guide explains what laws protect you from discrimination at work, what you can do if you are discriminated against, and where you can get support and advice.

## Please note:

- This guide covers discrimination at work from the point of view of a person with a mental health problem.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your individual situation and needs. See [Useful contacts](#) for more information.
- The legal information in this guide does not apply to children unless specifically stated.

If you require this information in Word document format for compatibility with screen readers, please email: [publications@mind.org.uk](mailto:publications@mind.org.uk)

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## Overview

Sometimes people who have mental health problems are treated worse at work because of their mental health condition. This is called [discrimination](#) and, if you experience discrimination at work, you may have a legal right to challenge it.

## Quick facts

- The [Equality Act 2010](#) is the law that gives you the right to challenge discrimination. This law may protect you from discrimination when you:
  - **are applying for a job, at work, made redundant or dismissed** (covered in these pages)
  - **use services or public functions** (see our legal pages on [discrimination in everyday life](#))
  - **buy, rent or live in property** (see our legal pages on [discrimination when buying, renting or living in property](#))
  - are in education
  - join some private clubs and associations.
- To get protection under the Equality Act, you usually need to show that your mental health problem is a disability. 'Disability' has a special legal meaning under

the Equality Act. To find out if your mental health problem is considered a disability, see our page on [disability](#).

- If you have a mental health problem that is a [disability](#), and you want the protection of the Equality Act, you will probably have to [tell your employer](#) about it.
- Generally, employers can't ask you questions about your mental health [before a job offer is made](#), though there are [some exceptions](#).
- If you think you have experienced disability discrimination at work, there are several things you can do to [challenge the discrimination](#).
- It's best to resolve disputes informally if you can. But if you cannot sort your problems informally or by raising a formal grievance, you can [make a claim to the Employment Tribunal](#). If you are successful, the Tribunal has power to award you financial compensation (money) and/or make a recommendation (for example, recommending that your employer makes [reasonable adjustments](#) to help you at work).
- If your work problems do not count as disability discrimination, you may still have [other employment rights](#).

## Terms you need to know

Term	Meaning
<b>Advisory Conciliation and Arbitration Service (ACAS)</b>	<p>ACAS is an organisation that provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems.</p> <p>ACAS offers a free <b>Early Conciliation service</b>. If you want to take a <a href="#">disability discrimination</a> challenge against your employer at the <a href="#">Employment Tribunal</a>, you have to contact ACAS first and you need proof that you have done so before you can start a claim.</p>
<b>Advocate</b>	<p>An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account. Find out more on our <a href="#">advocacy information page</a>.</p>
<b>Disability</b>	<p>The <a href="#">Equality Act</a> says that you have a disability if you have an impairment that is either physical or mental and the impairment</p>

	has a substantial, adverse and long term effect on your normal daily activities.
<b>Disability discrimination</b>	<p>This is when someone is treated worse because of their physical or mental health condition. The <a href="#">Equality Act</a> explains:</p> <ul style="list-style-type: none"> <li>• what a disability is, and</li> <li>• when worse treatment is discrimination.</li> </ul> <p>You have to show that you have a disability before you can challenge worse treatment as disability discrimination (unless the worse treatment was because your employer thinks you are disabled but you are not, or if the worse treatment was because of your association with a disabled person).</p>
<b>Discrimination</b>	<p>There are many situations in which you may feel treated unfairly because of your disability, but the <a href="#">Equality Act</a> only covers these types of discrimination:</p> <ul style="list-style-type: none"> <li>• direct discrimination</li> <li>• discrimination arising from disability</li> <li>• indirect discrimination</li> <li>• harassment</li> <li>• victimisation</li> <li>• not complying with the duty to make reasonable adjustments.</li> </ul>
<b>Employment Tribunal</b>	The Employment Tribunal decides disputes between employers and employees about employment rights. An Employment Tribunal is like a court but not always so formal.
<b>Equality Act 2010</b>	<p>This is the law that explains:</p> <ul style="list-style-type: none"> <li>• what behaviour counts as unlawful <a href="#">discrimination</a></li> <li>• who has a right to challenge discrimination.</li> </ul>
<b>Occupational health</b>	<p>The job of an occupational health professional is to assess you to find out:</p> <ul style="list-style-type: none"> <li>• how your work impacts your health</li> <li>• if you are fit for the work you do</li> <li>• what adjustments may need to be made to support you at work</li> </ul> <p>Your employer can refer you to occupational health if you have a physical or mental health problem that is affecting your work or causing you to take time off sick, particularly if this is more than 2 or 3 weeks at once.</p> <p>If you disagree with their assessment, it is important to <a href="#">seek advice</a>.</p>

	<p>There is also a government-funded initiative called <a href="#">Fit for Work</a> which provides occupational health assessments and expert advice. You can contact Fit for Work for work-related health advice.</p>
<b>Prohibited conduct</b>	<p>Prohibited conduct is the special term used in the <a href="#">Equality Act</a> to cover behaviour that counts as unlawful. It covers discrimination, harassment, failure to make reasonable adjustments and victimisation.</p>
<b>Protected characteristics</b>	<p>'Protected characteristics' is the name for the nine personal characteristics that are protected by the <a href="#">Equality Act</a> in certain situations. They are:</p> <ul style="list-style-type: none"><li>• age</li><li>• <b>disability</b> (this can include mental health problems)</li><li>• gender reassignment</li><li>• marriage and civil partnership</li><li>• pregnancy and maternity</li><li>• race</li><li>• religion or belief</li><li>• sex</li><li>• sexual orientation.</li></ul>
<b>Reasonable adjustments</b>	<p>These are changes that employers should make for you if you are at a major disadvantage in your workplace because of your mental health problems and it is reasonable. These include:</p> <ul style="list-style-type: none"><li>• making changes to the way things are organised or done</li><li>• making changes to the built environment, or physical features like steps or doorways around you</li><li>• providing aids and services for you.</li></ul>

## What counts as "work"?

The [Equality Act](#) applies when you are:

- applying for a job
- at work, including areas of working life such as
  - your pay
  - your terms and conditions of employment
  - sickness absence
  - promotion
  - opportunities for training or other benefits
- dismissed (including being made redundant)
- a former employee or worker in certain circumstances.

It can protect you if you are:

- an employee
- an apprentice
- a contract worker.

## What type of work is not covered by the Equality Act?

The Equality Act does not protect you if you are:

- an unpaid volunteer
- genuinely self-employed.

## How might I be discriminated against at work?

There are six types of disability discrimination under the Equality Act 2010. This page gives some examples of how these might occur at work:

- [Direct discrimination at work](#)
- [Discrimination arising from disability at work](#)
- [Indirect discrimination at work](#)
- [Harassment at work](#)
- [Victimisation at work](#)
- [Failing to comply with the duty to make reasonable adjustments at work](#)

To find out more about each of these types of discrimination, [see our information on disability discrimination](#).

If you are not happy with the way you have been treated at work, but your experience does not fit into these types of discrimination, you can check your [other employment rights](#).

## Examples of direct discrimination at work

- Jon has bipolar disorder. He asks his employer if he can apply for a new post doing work he is able to do. His employer says he cannot apply because he has a mental health problem. This is an example of direct discrimination.
- Minoo does not have any mental health problems but she looks after her aunt who has mental health problems. Her employer treats her worse because of this. This is direct discrimination – discrimination by association.
- Najma does not have a mental health problem, but her employer treats her worse than her colleague because he thinks she has a mental health problem. This is likely to be direct discrimination – discrimination by perception.
- Aidan applies for a job and finds that his last employers have supplied a reference which includes negative comments about his mental health problem. They have

discriminated against Aidan, even though they no longer employ him, because the reference arises out of and is closely connected to their former employment relationship.

## Example of discrimination arising from disability at work

Sid has depression. He has worked for 2 years for his employer who knows he has depression. Recently he has had two periods of absence because of his depression. His employer disciplines him because of the amount of absences he has had.

Sid has been treated worse not because of his disability but because of something arising out of his disability – the time he has taken off sick. This may be discrimination arising from Sid's disability.

But Sid's treatment will not be discrimination arising from disability if his employer can show that:

- the treatment was for a good reason, and appropriate and necessary, or
- they did not know or could not reasonably have known that Sid had a disability.

## Example of indirect discrimination at work

Sarah's employer decides that all staff must start a new shift pattern which involves working late in the evening. No staff can opt out. But Sarah takes medication for [schizoaffective disorder](#) which makes her feel very sleepy in the evenings, so she isn't able to work late shifts.

This is likely to be indirect discrimination as it puts Sarah at a disadvantage.

But it will not be discrimination if her employer is able to justify the arrangement by showing that it is:

- for a good reason, and
- appropriate and necessary.

Often something that is indirect discrimination is also something that gives rise to the duty to make reasonable adjustments. In this example Sarah's employer may be under a duty to make reasonable adjustments for Sarah, such as allowing her to remain on the existing shift pattern.

## Example of harassment at work

Mary has an eating disorder. Mary's manager knows she has an eating disorder and she makes offensive remarks in the open plan office about people with anorexia. This is likely to be harassment.

## Example of victimisation at work

Jibin's colleague has bipolar disorder. Jibin supports her colleague to complain to their employer about [disability discrimination](#). After this, Jibin's manager refuses her promotion on the basis that her loyalty to the company is in question. This is likely to be victimisation.

## Example of duty to make reasonable adjustments at work

Sylvie works in an office. She has [depression](#) and has been absent from work for several periods in the last couple of years because of this.

Her employer is having to making a number of staff redundant, and they want to consider absence levels when deciding who to make redundant.

This would put Sylvie at a substantial disadvantage compared to her colleagues, so it may be reasonable for Sylvie's employer to disregard her disability-related absences when making redundancy decisions.

Sylvie is also finding the uncertainty difficult to cope with and has become distressed at work. She is taking part in a supported employment scheme from the [workplace mental health support](#) scheme. Her employer lets her make private phone calls to her support worker in the working day as a reasonable adjustment.

Read more about [reasonable adjustments you can ask for](#) in the workplace.

## Applying for jobs

- [Can I be asked about my mental health problem when I apply for a job?](#)
- [When can an employer ask me about my health before a job offer?](#)
- [What questions can I be asked if I am offered the job?](#)

### Can I be asked about my mental health problem when I apply for a job?

Generally employers can't ask you questions about your mental health before a job offer is made.

#### Example

Benny has schizophrenia. He is applying for a job as a shop manager. The recruitment agent asks Benny if he has any history of mental illness.

The recruitment agent has acted unlawfully by asking Benny health questions in the recruitment process. Benny does not need to answer this question. But if he does choose to answer it, our advice would be that he should answer honestly.

- If an employer asks you health questions before a job offer is made, you can report this to the Equality Advice and Support Service by filling out their form for reporting pre-employment health questions ([the form is at the bottom of this page on their website](#)). Read more about this on their [Dealing with Discrimination](#) page.
- If you are asked questions about your health at the interview stage then don't get the job, you may want to [challenge the discrimination](#). A court or [tribunal](#) will look very carefully at the employer's decision not to employ you. An employer must prove that the decision not to employ you was not linked to your [disability](#).

## When can an employer ask me about my health before a job offer?

There are some situations when an employer is allowed to ask you questions about your health before a job offer is made. For example to:

- find out whether you will be able to take an assessment for the job
- find out whether you need [reasonable adjustments](#) to the application process
- find out whether you will be able to do tasks that are central to the job (though they should also consider the reasonable adjustments that you might need)
- find out if they are receiving job applications from a diverse range of people
- establish if you have the particular [disability](#) required for the job
- assess you for national security purposes.

### Examples of lawful questions before employment:

- An employer is recruiting and sends out an application form that says, "Please contact us if you are disabled and need any adjustments for the interview."
- An employer is recruiting employees who have to erect scaffolding. In their application form they ask relevant questions about disability, health and whether the applicant has a fear of heights.

### Example of unlawful question before employment:

- Sid applies for a job as an advice worker. During his interview, he is asked about his mental health history.

## What questions can I be asked if I am offered the job?

If you are successful in your job application, then your prospective employer can ask you about your health. If, as a result of these questions, a prospective employer is concerned that your mental health problems may affect your ability to perform the job, they should seek more information or advice from your doctor or [occupational health](#).

If your job offer is taken away when you explain your mental health status, and without further assessment or investigation, this may be [direct discrimination](#).

# Telling my employer

- [Should I tell my employer about my mental health problem?](#)
- [How do I show my employer that I have a disability?](#)
- [What kinds of adjustments can I ask my employer to make?](#)

## Should I tell my employer about my mental health problem?

If you have a mental health problem, you might not want to tell your employer about it because you are worried about confidentiality or how you may be treated. However, if you have a mental health problem that is a [disability](#) and you want the protection of the [Equality Act](#), your employer needs to know this.

If you do decide to tell your employer, think about:

- **How and when to do it.** It can be helpful to have a note from your doctor to help explain your situation.
- **How much information you want to give.** You don't have to go into personal details, just focus on how your mental health problem impacts on your job.
- **Whom to share it with.** For example, the human resources (HR) department may know your diagnosis, but they don't have to tell your supervisor or colleagues.

For more information about telling your employer about your mental health problem, see our pages on [how to be mentally healthy at work](#).

If your employer has asked you questions in the past about your health or disability and you did not tell them about your mental health problem then, and now you do want to tell them, you should get some specialist legal advice. (See [Useful contacts](#) for details.)

## How do I show my employer that I have a disability?

Sometimes your employer may accept what you say without asking for more information. But, because mental health problems aren't visible, it may be hard to explain your situation to your employer.

It is helpful to have a note from your doctor or another professional to explain:

- what mental health problems you have
- how they may affect you
- what adjustments might help you to manage your work.

You could also show your employer our information on different [types of mental health problems](#).

## What is the occupational health service?

Your employer can refer you to [occupational health](#) if you have a mental health problem that is affecting your work or causing you to take time off sick, particularly if this is more

than 2 or 3 weeks at once. Occupational health referrals will help your employer understand what adjustments need to be made to support you at work.

Occupational health services may also make an assessment of your ability to do your job. If you disagree with this it is important to get specialist legal advice. (See [Useful contacts](#) for details.)

There is also a government funded occupational health service called [Fit for Work](#). Fit for Work offers free, expert and impartial work-related health advice to employers, employees and GPs.

## What kinds of adjustments can I ask my employer to make?

If your mental health problem is a [disability](#) and there is a feature of your work which is causing you major disadvantage because of this disability, then your employer is under a duty to make adjustment to avoid that disadvantage.

Examples of adjustments you could ask for include:

- changes to your working area
- changes to your working hours
- spending time working from home
- being allowed to take time off work for treatment, assessment or rehabilitation
- temporarily re-allocating tasks you find stressful and difficult
- getting some mentoring.

The adjustments have to be ones that are **reasonable** for your employer to make. Whether a change is reasonable or not depends on the circumstances of each case, but may include:

- if the change deals with the disadvantage
- how practicable it is to make the change
- your employer's size and financial and other resources
- what financial or other assistance may be available to make the change.

### Example of reasonable adjustments

Liz works for a flower shop which employs five people. The shop is open from 9am–5pm and Liz works these hours. She has [depression](#) and [anxiety](#), and she finds that rush hour travel on public transport makes her feel very unwell. Her hours of work disadvantage her because of her disability.

- It is not reasonable for Liz's employer to pay for her to travel to and from work by taxi as this is too costly for a small business.
- It is not reasonable for Liz's employer to adjust her duties so that she doesn't have to work on the till, as this wouldn't address or resolve the disadvantage she faces in getting to and from work on time.
- It might be reasonable for Liz's employer to adjust her working hours to 8am–4pm, so that she doesn't have to travel during peak rush hour. This would be practicable for her employer because they can give her responsibility for

opening up the shop each morning, and Liz can process overnight orders before the shop opens to the public.

It can be useful to discuss with your GP or another health or social care professional who knows about your mental health problem what changes to your workplace could help you at work. You should also get a letter to back up any request you want to make.

Employers can sometimes get financial help with making reasonable adjustments, including cost of transport from the government's Access to Work service (find out more on the [gov.uk website](#)). This also offers a workplace mental health support service for employees and prospective employees with mental health problems (find out more on [Remploy's website](#)).

### Examples of reasonable adjustments

Jorge has [generalised anxiety disorder \(GAD\)](#). His contract of employment says that his hours of work are 9am–5pm each day and that his place of work is the head office of his employer. His employer's sickness policy says that if employees have more than 5 days absence in any rolling 3 month period they will be invited to a sickness absence meeting.

Jorge told his employer about his mental health problem, and explained that the contractual requirement to work 9am–5pm in the office was difficult at times of stress. Together they came up with a plan to help him with his work.

This plan includes:

- letting him work from home when he is feeling anxious
- giving him a flexible approach to start and finish times
- giving him a work mentor who he can get support from during stressful periods at work
- allowing slightly longer periods of absence before taking action under the sickness policy than would apply to other employees.

### Letter asking your employer to make changes at work

If you want your employer to make changes at your work, you may want to write a letter setting this out.

#### Draft letter asking your employer for changes

Click these links to download draft letter ([Word](#) or [PDF](#)) which you can use as a starter.

To help you draft your letter, you may want to get some:

- informal help or support from a friend, family member or [advocate](#), or
- [legal advice](#) from a specialist legal adviser or solicitor.

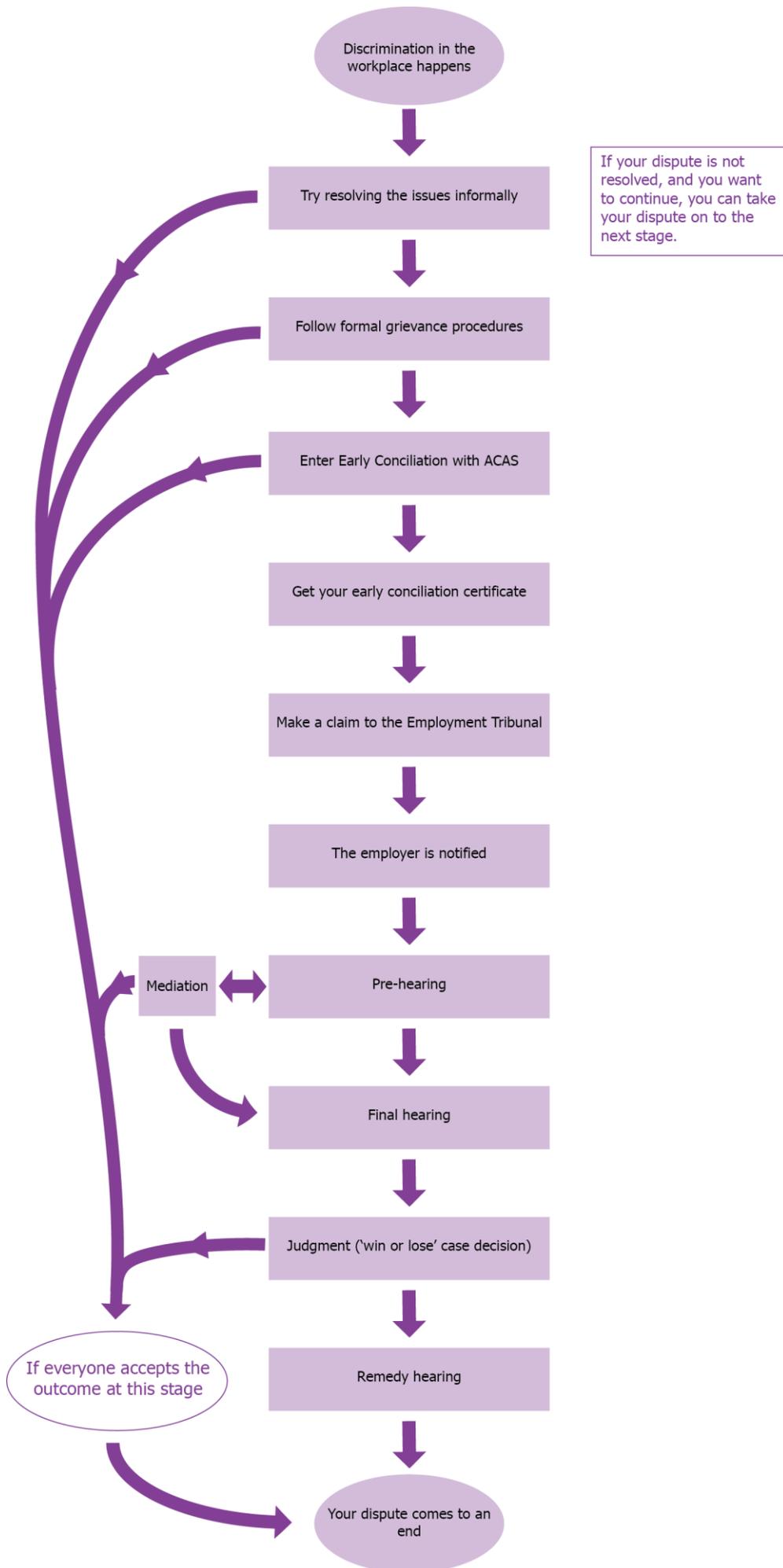
# How can I challenge discrimination at work?

There are a number of ways to challenge [disability discrimination](#) at work. What's best for you will depend on exactly what has happened and how you feel about it. But it's usually a good idea try to resolve things as quickly and informally as possible. If this doesn't work, you have the option of taking a legal claim to the Employment Tribunal.

This page provides information on:

- [Resolving issues informally](#)
- [Following formal grievance procedures](#)
- [Early Conciliation with ACAS](#)
- [Making a legal claim to the Employment Tribunal](#)
- [What might happen when I take a disability discrimination claim to the Employment Tribunal?](#)
- [Ending your dispute](#)

In general the stages you might go through to reach a resolution look like this:



## Resolving issues informally

Start by speaking to your colleagues, manager or HR department as soon as possible. If you can it's usually best to resolve your problem by just talking it through, as this will be more relaxed and also helps to keep good working relationships.

If you're satisfied with the outcome at this stage, [your dispute comes to an end](#). If not, you can continue.

You may need to take some time to think things over before deciding exactly what to say to whom. But **don't leave it too long**, just in case you can't sort things out and you want to take it further. The deadline for [making a claim to the Employment Tribunal](#) is only 3 months minus 1 day from when the dispute happens (not including any time you spend in [early conciliation](#)).

## Following formal grievance procedures

Many employers have formal grievance procedures in place for exactly this kind of situation. You have the right to take a work colleague or trade union representative to any grievance hearing.

In this case it may help to:

- **Write down what has happened**, how it's affecting you, and what support you want.
- **Get a supporting letter** about your mental health problem from your GP or other health or social care professional. (This is especially helpful if your dispute is over [reasonable adjustments](#).)
- **Ask for a response in writing**, and always keep copies of any correspondence you send or receive (including emails).
- **Get legal advice** from a trade union or specialist adviser (trade union advice may be free if you're a member, but you will probably have to pay for specialist legal advice).

If you're satisfied with the outcome at this stage, [your dispute comes to an end](#). If not, you can continue.

## Early Conciliation with ACAS

If your dispute can't be resolved without outside help, contact the [Advisory, Conciliation and Arbitration Service \(ACAS\)](#) as soon as possible. They'll offer you the chance to try and settle the dispute without going to court by using their free ['Early Conciliation' service](#). Time you spend in early conciliation doesn't count towards the 3 months you have to [make a claim to an Employment Tribunal](#).

If you're satisfied with the outcome at this stage, [your dispute comes to an end](#). If not, you can continue with a legal claim. To do this you'll need an early conciliation certificate.

## Getting your early conciliation certificate

If you've not been able to resolve your dispute through [early conciliation](#), ACAS will send you an 'early conciliation certificate'. Once you receive this certificate, you'll have the same amount of time left to make your claim as you did before you started conciliation.

### Example

Helen's employer discriminates against her. She knows the deadline for bringing a claim to the Employment Tribunal is 3 months away (minus 1 day). She spends 1 month trying to resolve the issue informally and considering her options. She decides she wants to take things further. She contacts ACAS and spends 2 months in early conciliation. The early conciliation still does not help to settle her dispute, so she decides to continue with her case.

ACAS send Helen an early conciliation certificate. By this point it's been 3 months since the discrimination happened, but because the 2 months she spent in early conciliation doesn't count, the deadline for making her claim is still 2 months away (minus 1 day).

## Making a claim to the Employment Tribunal

To make your claim you have to fill out and submit claim form (you can do this online using [the Employment Tribunal Service](#)). You can also download the claim form (called an ET1 claim form) [here on the gov.uk website](#).

If you decide to take this step:

- **Make sure you send the claim form within 3 months (minus 1 day) of the discrimination** (not including time spent in [early conciliation](#)). You'll also need your [early conciliation certificate](#). If you miss this deadline it's [unlikely that you will be able to bring a claim](#).
- **Seek legal advice.** It is always important to get good legal advice about your situation before going to court. See [Useful contacts](#) for information on how to find legal help.
- **See if you can get assistance and support.** Taking legal action can be complicated and stressful. You could ask a trusted friend or advocate to help you (see our pages on [advocacy](#) for more information).
- **See if you can get help paying your legal fees.** (See our information on [getting help with legal fees](#) to find out more.)
- **Watch a case at your local Tribunal.** If your case is going to a full hearing, then it can be useful to watch another person's case to familiarise yourself with the process. The gov.uk website has a [list of Employment Tribunal venues](#).

## Can I still make a claim if I miss the 3 month deadline?

In most cases no. But in rare cases the Employment Tribunal can extend this deadline if it is “just and equitable” to do so – for example, if you have been very unwell after the discrimination.

If you want to ask for a deadline extension then you should explain your reasons in your ET1 claim form. If you have medical reasons for missing the deadline, ask your GP or another medical professional to provide you with a written letter explaining how your medical condition has affected your ability to put your claim in on time.

### Tips on filling out the ET1 claim form

- Write out the details of your claim as clearly as possible, using language that feels simple and natural to you.
- If you are claiming [disability discrimination](#), put down what your mental health problem is and how it affects you.
- Explain what outcome you want (such as compensation, or a recommendation that the employer makes [reasonable adjustments](#)).
- Indicate any adjustments you may need to the process (such as regular breaks during a hearing).

## What might happen when I take a disability discrimination claim to the Employment Tribunal?

Taking legal proceedings against your employer may not be straightforward, since both parties have the right to appeal decisions at various stages, or you may choose to settle your case at any point. But in general, these are the stages you can expect:

<p><b>The employer is notified about your claim</b></p>	<p>As soon as the employer has been notified about your claim, they have 28 days to send a written response.</p> <p>If they fail to respond in writing within 28 days then your claim will automatically succeed, and <a href="#">your dispute comes to an end</a>. If your employer responds disputing your claim, then your claim will continue.</p>
<p><b>Pre-hearing</b></p>	<p>Some straightforward cases will be listed for a “fast track hearing” but for <a href="#">disability discrimination</a> cases you will usually be invited to a “pre-hearing”. The purpose of the pre-hearing is:</p> <ul style="list-style-type: none"> <li>• To clarify what your claim is about and what the employer’s defence is.</li> <li>• To consider whether your claim should proceed to a <a href="#">final hearing</a>, and if not, to dismiss your claim.</li> <li>• To make orders about how the claim will progress (called “case management orders”). This will likely mean:             <ul style="list-style-type: none"> <li>◦ ordering parties to provide information, such a schedule of loss showing what compensation you are claiming and why (for example, lost wages)</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ ordering you to provide supporting medical records, a GP or specialist report, or an “impact statement” written by yourself. (If the employer is arguing that your mental health problem is not a disability then Tribunal may set another pre-hearing to consider this.)</li> <li>○ ordering parties to provide copies of all documents relevant to the case</li> <li>○ ordering parties to provide written witness statements from all of the people who will give evidence.</li> <li>● To set a date for the final hearing of your claim.</li> <li>● To consider if any <a href="#">reasonable adjustments</a> should be made to help you participate in the final hearing (for example, taking regular breaks).</li> </ul>
<p><b>Mediation</b></p>	<p>If you still work for the employer you may be offered judicial mediation. This is a form of dispute resolution which does not involve going to a <a href="#">final hearing</a>. You and your employer both attend the Tribunal and a specially trained judge helps you try to resolve your dispute. The mediation is in private, and if you can’t resolve your dispute, nothing you or the employer say at the mediation can be referred to at any final hearing.</p> <p>Often mediation can be successful, and <a href="#">your dispute comes to an end</a>. If not, your claim may continue.</p>
<p><b>Final hearing</b></p>	<p>This is the ‘trial’ stage of your claim. Disability discrimination claims are heard by a Tribunal panel consisting of a judge and two other panel members with relevant experience of employment issues. You and your witnesses will be given the opportunity to:</p> <ul style="list-style-type: none"> <li>● present your evidence in the form of a witness statement, and</li> <li>● point the Tribunal to relevant documents (such as your contract of employment, workplace policies, medical records, reports, emails and letters).</li> </ul> <p>The employer or its representative will be entitled to ask you questions about your evidence – this is called “cross-examination”. The employer’s witnesses will also present their own evidence and you or your representative can cross-examine them.</p> <p>The Tribunal panel often also asks its own questions of you, the employer and any witnesses.</p>
<p><b>Judgment</b></p>	<p>After the hearing the Tribunal panel will reach a decision about whether you have won or lost your claim. If you win you are usually entitled to compensation (money). Sometimes they will make recommendations, for example that the employer makes any <a href="#">reasonable adjustments</a> you’ve asked for. They could tell you their decision:</p> <ul style="list-style-type: none"> <li>● at the end of the final hearing, or</li> <li>● at a later date (called “reserving judgment”). This can be weeks or occasionally even months after the final hearing.</li> </ul>

	<p>If you ask them to, they will always explain the reasons for their decision in writing.</p> <p>If you and the employer accept the judgment and decisions, <a href="#">your dispute comes to an end</a>. If not, your claim may continue.</p>
<b>Remedy hearing</b>	<p>If you've won your claim but the employer still does not make an acceptable offer of compensation then the Tribunal will arrange a "remedy hearing". Here it will hear the evidence again and make a final decision on what the employer must pay (called the "remedy").</p> <p>If the employer accepts the remedy, <a href="#">your dispute comes to an end</a>. If not, they may appeal and your claim may continue.</p>

The [Citizens Advice website](#) has more information about taking a claim to an Employment Tribunal, including what kinds of costs might be involved and what it's like.

## Ending your dispute

One way or another, your dispute will eventually come to a conclusion. This can be a difficult time, regardless of the outcome. For example, you might:

- feel disappointed, frustrated and angry if the outcome wasn't everything you hoped for
- be satisfied and relieved with the outcome, but still feel overwhelmed by what you've been through
- have spent a lot of time and energy on your dispute – perhaps months or even years
- need to rebuild relationships with your employer and colleagues
- have already moved on from that workplace and want nothing more to do with them
- not really feel that things really have been resolved at all, but still feel that it's the right choice for you to end the dispute at this stage.

However you feel when your dispute ends, it's important to make time to look after yourself and think about what helps you stay well. Our pages on [wellbeing](#), [managing stress](#) and [being mentally healthy at work](#) have some tips.

## What other employment rights do I have?

You may have other employment rights besides [disability discrimination](#) rights.

For example:

- employees with two years' service have rights related to redundancy and unfair dismissal
- employers also have a legal responsibility to make sure that employees have a safe system at work.

To find out more about your other employment rights, you can:

- check with [ACAS](#) or
- see a [specialist legal adviser](#).

## Useful contacts

### Mind's services

- **Helplines** – all our helplines provide information and support by phone and email. Our Blue Light Infoline is just for emergency service staff, volunteers and their families.
  - Mind's Infoline – 0300 123 3393, [info@mind](mailto:info@mind)
  - Mind's Legal Line – 0300 466 6463, [legal@mind](mailto:legal@mind)
  - Blue Light Infoline – 0300 303 5999, [bluelightinfo@mind](mailto:bluelightinfo@mind)
- **Local Minds** – there are over 140 local Minds across England and Wales which provide services such as [talking treatments](#), [peer support](#), and [advocacy](#). [Find your local Mind here](#), and contact them directly to see how they can help.
- **Elefriends** is a supportive online community for anyone experiencing a mental health problem. See our [Elefriends page](#) for details.

### Advisory Conciliation and Arbitration Service (ACAS)

0300 123 1100 (8am-8pm Monday to Friday and 9am-1pm Saturday)  
[acas.org.uk](http://acas.org.uk)

ACAS provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems. They offer a free [Early Conciliation service](#).

If you want to take a [disability discrimination](#) challenge against your employer at the [Employment Tribunal](#), you will need to go to ACAS and get a conciliation certificate to show that you have tried to reach agreement over the dispute.

You can call their telephone helpline to get advice about your employment rights.

### Civil Legal Advice (CLA)

0845 345 4345  
[gov.uk/civil-legal-advice](http://gov.uk/civil-legal-advice)

The Civil Legal Advice can tell you if you're eligible for legal aid and can give you free and confidential legal advice in England and Wales.

### Employment Tribunal

Public enquiry line (England and Wales): 0300 123 1024  
Postal address for sending fees and ET forms:

Employment Tribunal Central Office  
PO Box 10218  
Leicester  
LE1 8EG  
[justice.gov.uk/tribunals/employment](https://justice.gov.uk/tribunals/employment)

The [Employment Tribunal](#) decides disputes between employers and employees about employment rights. They have a public enquiry line to answer general queries, provide information about tribunal publications and explain how the tribunal system works.

The government also publish this [guide to making a claim to an employment tribunal](#).

## The Equality and Advisory Support Service (EASS)

Tel: 0808 800 0082  
Text: 0808 800 0084  
Monday to Friday 9am-8pm  
Saturday 10am-2pm  
[equalityadvisoryservice.com](https://equalityadvisoryservice.com)

The helpline can advise and assist you on issues relating to equality and human rights, across England, Scotland and Wales.

There is a special [form](#) on its website for reporting employers who ask pre-employment questions.

## Equality and Human Rights Commission (EHRC)

[equalityhumanrights.com](https://equalityhumanrights.com)

The EHRC is responsible for monitoring and protecting human rights in Britain. It has useful advice and information about legal rights and [discrimination](#) on its website.

The website also has copies of the [Equality Act 2010](#) Statutory Code of Practice for services and the Equality Act 2010 Statutory Code of Practice for Employment which give helpful guidance on how to apply the Equality Act.

## Fit for Work

[fitforwork.org](https://fitforwork.org)

Advice line 0800 032 6235

Government funded occupational health service providing work-related health advice to employers, employees and GPs. There is a live chat facility on their website.

## Law Centres Network

[lawcentres.org.uk](https://lawcentres.org.uk)

Law Centres offer legal advice, casework and representation to individuals and groups. To find your local Law Centre, you can look at their [interactive Google map](#) or see the [Law Centres list](#).

For legal advice enquiries, visit the [I am looking for advice](#) page on their website.

## The Law Society

020 7242 1222 (England)

029 2064 5254 (Wales)

[lawsociety.org.uk](http://lawsociety.org.uk)

The Law Society provides details of solicitors in your area that you can contact for specialist legal advice.

## LawWorks

[lawworks.org.uk](http://lawworks.org.uk)

LawWorks is a legal charity that lists on its website the Free Legal Advice Clinics in England and Wales. These clinics can give you one-off, face-to-face advice if you have legal problems about consumer disputes, housing, social welfare law or employment.

## Office for Disability Issues

[gov.uk/government/organisations/office-for-disability-issues](http://gov.uk/government/organisations/office-for-disability-issues)

This is part of the Department of Work and Pensions and supports the development of policies to remove inequality between disabled people and non-disabled people. It has produced useful guidance on how you work out whether you have a disability.

## Where can I get more support?

### Local Mind

Local Mind services may include crisis helplines, drop-in centres, employment and training schemes, counselling and befriending. They may be able to help you find advocacy services in your area.

Find your local Mind [here](#).

### Find an advocate

An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account.

For information on advocacy services and groups in your area, you could start by contacting the [Mind Legal Line](#) and your [local Mind](#).

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Read more about how [advocacy](#) might help you.

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References are available on request.