

Reasonable adjustments disability passports

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The GMB’s motion at the TUC’s Disabled Workers Conference in 2018 called for the creation of reasonable adjustments disability passports.

The TUC has worked with its Disabled Workers Committee and the GMB and its disabled workers and activists to create this document. Feedback from affiliates and the Equality and Human Rights Commission has also been sought to ensure that the passports meet the needs of disabled members.

The social model of disability

The TUC has adopted the social model of disability.

The social model of disability focuses on the ways in which society is organised, and the social and institutional barriers which restrict disabled people's opportunities. The social model sees the person first and argues that the barriers they face, in combination with their impairments, are what disables them.

Barriers can make it impossible or very difficult to access jobs, buildings or services, but the biggest barrier of all is the problem of people's attitude to disability. Removing the barriers is the best way to include millions of disabled people in our society.

The duty to make reasonable adjustments

All employers have a legal duty under the Equality Act 2010 to proactively make reasonable adjustments to remove, reduce or prevent any disadvantages that disabled workers face.

The law recognises that to secure equality for disabled people work may need to be structured differently, support given, and barriers removed. It means that in certain circumstances disabled people may be treated more favourably than non-disabled people to ensure equality, but one disabled person cannot be treated more favourably than another disabled person.

An employer who fails to meet their legal duty under the Equality Act 2010 to make reasonable adjustments is in breach of the law and could be taken to an employment tribunal.

Public sector employers have an additional legal duty to consider or think about how their policies or decisions affect people who are protected under the Equality Act. This public sector equality duty will include public authorities considering how their policies affect disabled employees and taking steps to mitigate any adverse impact.

Foreword

Our vision for the future is one where all workplaces are accessible and inclusive, and where every worker is able to participate fully and equally.

Sadly, we still have a long way to go.

Disabled people in Britain today face many obstacles when it comes to finding good, rewarding employment.

They are often turned down for jobs and passed over for promotions. And when they do find work its often on lower pay.

As a movement we must ensure all our members are protected from both intentional and unintentional discrimination at work.

One real cause of concern for our disabled members is the constant and looming threat that every change in line management or job could result in their reasonable adjustments being taken away.

Nobody should not have to fight so hard to keep what is a basic legal right.

That's why today we are launching our own trade union, and social model-based, reasonable adjustments disability passport.

We hope this will stop disabled workers from having to go through the stressful and unnecessary bureaucracy of having to re-explain and renegotiate their existing reasonable adjustments. For example, when their line manager changes.

The reasonable adjustments disability passport is a simple solution to a regrettably common problem. There is no reason why it shouldn't be implemented across all workplaces.

Frances O'Grady

General Secretary, TUC

Foreword

Almost 25 years after the Disability Discrimination Act set out requirements for employers to make reasonable adjustments, our disabled members tell us this is still a massive issue.

Members tell us they still face the added and entirely unnecessary stress that fighting for adjustments to be put in place causes.

Worse still, members are having to fight to keep existing adjustments when they get a new manager.

We know a lack of reasonable adjustments is one of the main barriers to disabled workers getting into the workplace in the first place, or being able to stay in their own jobs. Disabled workers are twice as likely to drop out of work than non-disabled workers.

It's a no win situation for everyone. It's no good for disabled workers, for their families nor for employers and the economy. We all need to appreciate the value added to the workplace, society and the economy by disabled workers.

There is nothing new about the concept of reasonable adjustments. But what is key about the reasonable adjustment disability passport is that it will serve as a robust, straightforward and worker driven process. One that removes stress and uncertainty whilst promoting dignity and the value of disabled workers' work.

We believe this policy can go a long way to ensuring disabled workers get the long standing reasonable adjustments they need, to do their job and thrive in the workplace.

GMB is proud to be working jointly with the TUC, having been led by our activists, to produce this reasonable adjustment disability passport.

It's a short policy, that could have such a big impact on the working lives of disabled members.

Tim Roache

General Secretary, GMB

SECTION 1

What is a reasonable adjustments passport?

This is a live record of adjustments agreed between a worker and their manager to support them at work because of a health condition, impairment or disability. The passport supports members and their reps to work with employers to ensure that up-to-date, appropriate, practical and correct reasonable adjustments are in place.

The passporting system means that disabled members who move roles, or their line manager changes, do not have to re-explain or renegotiate their reasonable adjustments.

Section 1 of this document explains:

- › the benefits of a reasonable adjustments disability passport
- › how passports work
- › why you should negotiate passports in your workplace.

Sections 2 and 3 provide you with a model reasonable adjustment disability passports policy and a model passport.

The reasonable adjustment disability passport system will help you and your members by putting in place a workplace process that supports all disabled staff members and helps eliminate barriers to full workplace participation.

It will ensure their reasonable adjustments are put in place and kept up to date, in line with changes in job role or fluctuations in members' conditions. For some workers who have fluctuating conditions, additional steps can be spelt out regarding short-term flexibility required within the overall reasonable adjustments passport framework.

It will also make it easier for employers to comply with the law.

This document is written for trade union workplace reps; however, it will also be useful and informative for members.

Why do we need reasonable adjustments passports in the workplace?

Disabled people still face significant barriers to getting a job and staying in employment.

The TUC¹ found that the disability employment gap, which is the difference between the employment rates of disabled and non-disabled people, continues to persist at over 30 per cent. Disabled people within the job market are also paid on average 15.2 per cent, or £3,000 a year less, than their non-disabled peers.

Research has also found that disabled people are twice as likely to fall out of work² as non-disabled people, with one in ten disabled people leaving the labour market each year, compared to one in twenty non-disabled people.

The TUC's vision is a future where all workplaces are accessible, inclusive and without barriers that prevent equal participation of disabled people. There is still a lot of work to do to meet this vision.

In the meantime, trade union reps must take steps to make sure that the adjustments put in place to assist members meet that aim and eliminate workplace barriers.

Trade unions have a vital role in helping to address major work inequalities both through supporting their disabled members in work and ensuring that employers implement inclusive policies and practices in the workplace.

TUC research³ found that one of the most common issues for workplace reps was disability. Over half of reps dealt with disability-related issues between 2014 and 2016, showing the high prevalence of workplace disability-related issues.

These issues included ensuring employers put in place reasonable adjustments for their disabled workers as required by the Equality Act 2010.

Disabled members have told us that when they move roles or their line manager changes, they are often forced to re-explain and frequently renegotiate their reasonable adjustments.

This is both unnecessary and stressful.

One way to address this is for reps to negotiate with employers the use of a reasonable adjustment disability passports. This can sit alongside the employers own disability policy, so that the circumstances of a particular individual are catered for.

1 <https://www.tuc.org.uk/news/tuc-calls-government-make-employers-report-their-disability-pay-gaps>

2 Page 82 of https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/663399/improving-lives-the-future-of-work-health-and-disability.pdf

3 https://www.tuc.org.uk/sites/default/files/Congress_2016_TUC%20Equality%20Audit_Digital.pdf

This is a call for change from disabled members themselves

Disabled members and their union reps repeatedly report a specific issue that causes significant difficulties. This occurs when a disabled members' line manager changes and despite the fact that reasonable adjustments have already been agreed with the previous manager, they are compelled to explain to the new manager just what their disability is and what reasonable adjustments they require to do their job and renegotiate them.

Going through this process can cause undue stress and anxiety. The need to explain again the adjustments which are necessary and have previously been agreed, arises because of inadequate handover between managers and often because the agreed adjustments are not recorded anywhere by the outgoing manager.

Disabled members have proposed the 'passport' approach to support workers to maintain their reasonable adjustments and avoid the stress of having to repeatedly renegotiate them.

The reasonable adjustments disability passport in detail

The passport is a live record of adjustments agreed between a disabled worker and their manager to support them at work.

It is for workers to keep and share with anyone they think needs to know about the barriers that they face within or outside the workplace, and the adjustments needed to prevent or reduce the effect of those barriers in their work environment.

Barriers can include both attitudes and environmental factors. People who may need adjustments include both those with visible impairments (such as wheelchair users) and those with non-visible or 'hidden' conditions or impairments (such as people with a mental health condition).

The passport's purpose is to:

- › make sure that everyone is clear about what adjustments have been agreed and has a record of these
- › reduce the need to reassess and renegotiate adjustments every time a worker changes jobs, is relocated or is assigned a new manager
- › provide a worker and manager with the basis for future conversations about adjustments.

Control of the passport

The passports should only be shared with the incoming line manager once the written permission of the worker has been given. Although the worker has control of the information and who it is shared with, it is usual practice for the manager to have a signed copy as well, and sometimes the organisation's HR or personnel team.

The passports and agreed reasonable adjustments should be reviewed six months after the adjustments have initially been put in place for two reasons: to ensure they remain effective in removing any identified workplace barriers; and where they are found no longer to meet that requirement, to allow a timely conversation to take place to identify adjustments that will address the issues faced by the worker.

Further reviews will be at the worker's request, and/or when there is any change to a worker's job that might create additional barriers. A check in these circumstances can ensure the adjustments are still appropriate and effective.

Changes to the type of reasonable adjustments that need to be considered are not uncommon. They can change for a number of reasons, including technological advances that may mean there are better ways to overcome workplace barriers, changes to a worker's job or changes to an individual's condition.

The benefits of a reasonable adjustments disability passport

The passport aims to support members and their reps to work with employers to ensure that up-to-date, appropriate, practical and correct reasonable adjustments are in place, and to:

- › provide workers and their line managers with the basis for discussions and an accurate record of the reasonable adjustments that may be needed and have been agreed
- › end the need to renegotiate reasonable adjustments with a new manager every time the worker changes jobs or is relocated
- › provide a clear timeline for expectations and deadlines.

The reasonable adjustments disability passport allows you, the worker, to:

- › explain the impact of your working conditions on you, given your personal circumstances
- › explain the barriers that you encounter that stop you participating fully at work
- › suggest adjustments that you think will make it easier for you to fully participate
- › review the effectiveness of adjustment/s provided and the ongoing impact this has on your work
- › explain any change to your health or circumstances.
- › feel reassured that your manager will know what to do if you become unwell at work, when to contact emergency services and who to contact if necessary
- › know how and when your manager will keep in touch should you be absent from work due to your disability
- › consider including more information from your GP, specialist or other expert as appropriate to support your request.

SECTION 2

A policy for model reasonable adjustments disability passports

1. Introduction

This policy represents an agreement between:

[.....] 'the Employer' and

[.....] 'the Union'

that was reached on [xx/xx/xxxx]

The policy covers the agreed approach of the employer towards staff, and potential members of staff, who are disabled, who believe that they may be disabled or become disabled. The scope of this policy covers conditions including, but not limited to: physical disability, sensory impairment, mental health conditions, and neurodiversity.

2. Principles

Both parties to this agreement believe that:

- a. All workers deserve the opportunity to realise their full potential.
- b. All reasonable steps must be taken to ensure that policies, practices and culture do not discriminate against disabled people.

Both parties recognise that:

- c. Some disabled people may not have a formal diagnosis or assessment, and that a lack of diagnostic support can be a barrier in the workplace for both workers and employers.
- d. Disabled people face discrimination and stigma in wider society, and they may be unwilling to disclose a diagnosis.
- e. Each person is unique and that there can be a high degree of overlap between multiple conditions. Consequently any support needs must be identified and implemented on the basis of personal evaluation and individual need.

The employer commits to:

- f. Proactively work to eliminate barriers (including prejudice) that disabled people face in the workplace.
- g. Raise awareness of the full range of disabilities including those that are often overlooked, for example: mental health conditions, dyslexia or other neurodivergent conditions.
- h. Consider changes made in response to requests.
- i. Take immediate steps to eliminate potentially discriminatory practices in employment that can arise throughout the course of normal day-to-day workplace activities.
- j. Ensuring workers know they have the right to be accompanied by their union rep in discussions about the passport.
- k. Support paid release for union reps, including union equality reps and disability champions, to attend union education courses on reasonable adjustment disability passports.
- l. Promote the reasonable adjustment passports to all staff.

The reasonable adjustments disability passport is designed to provide a documented record of an individual's needs, which will allow them to function to their full potential in a supportive and encouraging environment.

A worker may require reasonable adjustments to remove workplace barriers because of environmental, attitudinal or organisational issues. These barriers prevent disabled people from equal participation in the workplace including people with sensory impairments, mental health conditions, long-term injury or neurodivergent conditions.

Whenever a worker moves roles or changes line manager a reasonable adjustments disability passport can be used to ensure that new managers are aware of required adjustments or information relating to an individual's requirements without the need to repeat potentially difficult conversations and situations.

Completion of the reasonable adjustments disability passport is voluntary, but it should be offered to every worker.

The worker's reasonable adjustments disability passport will be 'owned' by the worker; they will decide who has a copy or can see it, although a signed copy of the passport should be held by both the worker and their manager, and, if appropriate, by HR.

It is also usual practice for the worker to consent to their new line manager accessing their passport.

The passport may be reviewed at the worker's request to ensure that any adjustments remain the right ones to support the worker to fulfil their work potential.

A worker may initiate an earlier review of the passport if:

- › their disability or health condition changes
- › their personal circumstances change
- › their job requirements change
- › they change post
- › there is a change to the working environment.

Awareness of the passport is important. A passport should be available to all workers at any time during their employment and can be requested by the worker or proactively offered by the employer.

Stigma and fear of discrimination may deter workers from disclosing their health or other conditions so it is important that employers provide an open and supportive environment in which workers will be treated with sensitivity, respect and confidentiality.

3. The Equality Act 2010 and reasonable adjustments

The Equality Act 2010 states that a person is disabled if they have a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. It stipulates that employers must make reasonable adjustments to ensure disabled workers are not disadvantaged and take steps to remove, reduce or prevent obstacles a disabled worker or job applicant faces.

Reasonable adjustments should always be tailored to the individual's needs and the barriers faced. Adjustments may comprise one or more measures to enable the worker to do their job to the best of their ability.

All requests for reasonable adjustments will be fully considered by the employer and responded to within an agreed time.

If the employer refuses a request for an adjustment written reasons must be given within [xx] days.

SECTION 3

A model reasonable adjustments passport

The information provided in the reasonable adjustment passport is confidential to the worker and their line manager and HR. It should not be shared with anyone without the written consent of the worker.

A copy of the passport should be held by both the worker and their manager and, if appropriate, HR.

Name of worker:	
Worker/payroll number:	
Worker's signature:	Date:
Name of line manager:	
Managers signature:	Date:
Team/unit/department:	
Directorate:	

Reasonable adjustments details

My health condition or impairment interacts with barriers within and/or outside the workplace to create the following impact(s) on me at work:

This could include:

- › effect on co-ordination, dexterity, or mobility
- › effect on mental health
- › effect on hearing, speech or visual impairment
- › effect on my ability to interact socially with colleagues
- › effect of particular working environments (for example open-plan offices)
- › attending medical or counseling appointments*

An example of a response might be:

'If my role requires me to stand for long periods of time, then this will create a barrier for me due to my coordination/dexterity/mobility condition.'

The following reasonable adjustments have been agreed between me and my manager:

Has any additional advice been given or requested? If so, from whom and what date was it requested/given: (Please attach any such information to the back of this document).

Date of implementation:

My condition or impairment and work

Please complete this section if you have a fluctuating condition:

On a good day, I believe that my disability or condition interacts with barriers within or outside the workplace to have the following impact on me at work:

When things are not so good, I believe that my disability or condition interacts with barriers within or outside the workplace to have the following impact on me at work:

Therefore, I might need the following further reasonable adjustments:

Emergency contacts

Below is a section for **optional** emergency contact details.

You are under no obligation to provide these details but can choose to fill out contact details for **one, none or all** of the suggested boxes or provide contact details for groups not suggested here.

If I'm not well or there are any urgent concerns about my wellbeing, I'm willing for my manager/management to contact any of the following emergency contacts in the order of preference indicated below.

(Please add, amend or delete contact types as appropriate or when there are any changes.)

<p>Relative, partner or family member (preference number:)</p> <p>Name:</p> <p>Relationship to you:</p> <p>Telephone numbers Home: Mobile:</p>
<p>Friend (preference number:)</p> <p>Name:</p> <p>Telephone numbers Home: Mobile:</p>

**Specialist/care co-ordinator/support worker/general practitioner/nurse
(preference number:.....)**

Name:

.....

Relationship to you:

.....

Telephone numbers

Home:

Mobile:

.....

Other (please specify) (preference number:.....)

Name:

.....

Relationship to you:

.....

Telephone numbers

Home:

Mobile:

.....

Review

The passport and agreed reasonable adjustments should be reviewed six months after the worker’s adjustments have been put in place to ensure they are removing any identified workplace barriers. Where they have not been put in place or have not proved to be useful to the worker, this meeting would ensure adjustments can be actioned or new adjustments could be agreed.

Further reviews will be at the worker’s request, or if there is any change to a worker’s job, which might create additional barriers, to ensure the adjustments are still appropriate and effective in eliminating workplace barriers.

The worker has the right to be accompanied by their union rep at these review meetings.

<p>I believe there have been the following changes in my condition/ impairment (and/or changes to my situation which impact on my condition/ impairment) and require the following changes to be made to the current agreed adjustments:</p>		
Review date	Line manager’s signature	Worker’s signature

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