Employment – My Rights

# What are My Rights?

Sight loss is considered a disability under equality law. Employers are not allowed to discriminate against someone on the basis of their disability. For someone experiencing sight loss, this means that it is unlawful to dismiss someone on the grounds of disability, and instead places a duty on employers to make reasonable adjustments in the workplace to accommodate a person’s specific needs.

Employers have a duty to anticipate your requirements at every stage, from accessing vacancies, filling out application forms, to interview tests.

# What if an employer asks about my visual impairment?

Under the Equality Act employers are not able to ask about an employee's health prior to making a job offer (including whether or not they are disabled) although there are exceptions. One exception is to help the employer to make reasonable adjustments to the interview process, for example having any test questions in an alternative format. They can also ask about a disability with regards to any abilities that are an essential part of the job, for example, a bus driver has to be able to see in order to hold a driving licence.

# What does an employer have to do to help me?

The Equality Act says that employers have a duty to make “reasonable adjustments”. This is the way in which employers can support disabled staff to carry out their jobs. There are many different sorts of reasonable adjustments an employer might be expected to make for someone with sight loss, for example:

* Providing equipment (such as a CCTV)
* Providing software (such as ZoomText/JAWS/Supernova)
* Changing the working environment (altering lighting levels)
* Changing procedures (medical appointments about someone's disability are recorded as 'disability-related leave' rather than sick leave) or enabling someone to bring her assistance dog into the workplace (there may be some limitations e.g. in a hospital to comply with infection control requirements)
* Making changes to a job description to reassign some duties to other staff
* Providing a support worker

# What financial support can I get?

Speak to your local Disability Employment Adviser at your local Jobcentre to find out what benefits are available for you.

## Employment Support Allowance (ESA)

ESA provides financial support to anyone that is unable to work full time due to disability or long-term health problem. Eligibility is determined by a work capability assessment. Further information at: www.gov.uk/employment-support-allowance.

## Access to Work Scheme

Access to Work is a scheme run by Jobcentre Plus. The scheme provides advice and practical support to disabled people to enable them to work along-side their colleagues.

If you have a disability and are in a job, about to start in a job, about to start a Work Trial or are self-employed (and registered with HMRC), Access to Work could benefit you. It applies to any paid job, part-time or full-time, permanent or temporary. There are no minimum number of hours for eligibility for support under the scheme.

Access to Work can help you in a number of ways. For example, it can help pay for:

* Adaptations to premises and equipment
* Special aids and equipment
* Support workers
* Travel to work where there is no practical public transport alternative, and travel within work
* Awareness training for your colleagues

## Personal Independent Payment (PIP)

PIP has replaced Disability Living Allowance (DLA), the disability benefit for people of working age.

Being ill or having a disability can often make life more expensive. PIP is a benefit that is meant to help you with the extra costs caused by illness or disability – including sight loss.

You can get PIP if you are aged 16 or over and under state pension age when you start your claim. If you are:

* state pension age or older and were born before 8 April 1948 (or born before 20 June 1951 if you live in Northern Ireland) PIP is not the benefit that you can claim to help with extra costs. If you are claiming help for the first time, it will be Attendance Allowance. If you have reached your state pension age and already receive DLA, you will remain on DLA.
* under 16 and claiming help for the first time, you should make a claim for DLA. When you turn 16, you will then have to make a claim for PIP.

To make a claim for PIP you must:

* be habitually resident in the UK (this is decided by looking at a number of factors including reasons for coming to the UK, the length of your stay, future intentions, and previous links with the country)
* and satisfy the past presence test (you must have been present in the UK for 104 out of the previous 156 weeks).

These two rules are complicated and there are some exceptions, so contact our Helpline if you think you may have difficulty passing these tests.

PIP is meant to help with daily living activities and getting out and around. Because of this, it is split into two parts or 'components': a daily living component and a mobility component. You might be successful in claiming one or both of these components.

Each component then has two rates:

* a standard rate for people who have a limited ability to carry out daily living or mobility activities because of their physical or mental condition
* an enhanced rate for people who have a severely limited ability to carry out daily living or mobility activities because of their physical or mental condition.

PIP is not a means-tested benefit – so you can claim it no matter what your income is – and it is not taxable.

# Resources

## Disability Dynamics

This website includes information on the Equality Act

Telephone: 01329 841814

[Disability Dynamics Website](https://www.disabilityatwork.co.uk/)

Email: info@disabilitydynamics.co.uk

## Access to Work Scheme

Telephone: 0800 121 7479

[Gov.com - Access to Work Website](https://www.gov.uk/access-to-work)

For in depth information specifically for Visually impaired: [RNIB Website](https://www.rnib.org.uk/living-with-sight-loss/equality-and-employment/information-for-those-in-work/access-to-work/)

## Employment and Support Allowance

Telephone: 0800 169 0350

[Gov.com - Employment Support Allowance (ESA)](https://www.gov.uk/employment-support-allowance)

## Personal Independent Payment (PIP)

Telephone: 0800 917 2222

[Gov.com - Personal Independence Payment (PIP)](http://www.gov.uk/pip)

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Tel: 0117 322 4885 Email: info@sightsupportwest.org.uk

As a partnership we provide local services for people living with sight loss across Bristol, Bath & North-East Somerset and South Gloucestershire, Wiltshire and Gloucestershire.

Sight Support West of England is a registered charity: 1178384.

Wiltshire Sight is a registered charity: 1119462.

Insight Gloucestershire is a registered charity 204279.

Registered Office: St Lucy’s Sight Centre, The Beeches, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT.