

Employment

# Previous Employment

Dismissal



**RIGHT TO  
PARTICIPATE**

## Useful knowledge

It is unlawful for an employer to dismiss an employee for reasons related to their disability or health condition, whether directly or indirectly.

This may include dismissal for reasons relating to absence, sickness, capability or disciplinary procedures within the workplace, all of which are subject to the requirement for the employer to make 'reasonable adjustments'.

## Useful skills

- Effective communication
- Openness
- Self-awareness
- Problem solving

## Ways to assert your legal rights

If you believe you were dismissed from your previous job because of your disability or health condition i.e. due to disability discrimination, you can challenge the dismissal via an employment tribunal. There are timescales within which a claim should be made. In general, the time limit within which a claim of disability discrimination must be raised is three months less one day from the end of your employment.

However, before taking a former employer to an employment tribunal, you must first attempt what is termed 'early conciliation'. Early conciliation is a service delivered by the Advisory, Conciliation and Arbitration Service (ACAS), a publicly funded but independent organisation. Engaging early conciliation can reduce the stress and anxiety caused by taking a claim to a tribunal. If engaged within its own time limit, also three months less one day, early conciliation extends the time period for taking action via an employment tribunal if you need to take it that far.

If you're a member of a trade union, it is worth engaging their support as early as possible, but at any stage of the process.

[Find out more about joining a trade union here.](#)

## You can have confidence in the process because

Disabled employees are protected from discrimination, harassment and victimisation by The Equality Act 2010.

## You can get more help from

The [Equality Advisory & Support Service \(EASS\)](#) runs a free helpline assisting individuals with equality and human rights issues across England, Scotland and Wales.

**Telephone** • 0808 800 0082  
**Text phone** • 0808 800 0084  
**Email** • [through websites form](#)

ACAS runs the [Early Conciliation service](#) for when you can't sort out things directly with an employer.

**Helpline** • 0300 123 1100  
**Website** • [www.acas.org.uk](http://www.acas.org.uk)