

Employment

# Previous Employment

Promotion and training



**RIGHT TO  
PARTICIPATE**

## Useful knowledge

The Equality Act 2010 states that it is discriminatory for an employer not to promote an employee due to their disability or health condition that meets the definition of a disability.

## Useful skills

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

## Ways to assert your legal rights

An employer must provide equal access to promotion, developmental training etc to all employees, including making reasonable adjustments for disabled employees. Examples of this *not* happening include (but are not restricted to) an employer:

- Making assumptions on the ability of a disabled employee in considering promotion suitability e.g. deciding someone is unable to handle added pressure due to a disclosed mental health issue
- Ruling out an employee due to the possibility that reasonable adjustments would be necessary
- Having guidelines, written or otherwise, that only non disabled employees can proceed to or past a certain grade or level
- Withholding training from a disabled employee
- Not offering reasonable adjustments to enable a disabled employee to receive training to the same standard as non-disabled colleagues
- Assuming an employee isn't 'suitable' for training offered to colleagues doing a similar role due to their disability or health condition.

If you applied for a promotion and were turned down, it's always appropriate to ask for written feedback on reasons why from the panel overseeing the appointment. If you feel the reasons outlined suggest the decision made related to your disability, you should write to the person leading the recruitment process, or HR lead. Detail how you feel this relates to your disability.

If you were excluded from training offered to colleagues which you feel was important for your role, you should raise this firstly with your line manager, outlining that you believe this has been the case, and why you believe it. You can also take formal steps through your employer's grievance procedure.

[Click here to download letter template](#)

If you're still not satisfied, you can take a claim for disability discrimination to an employment tribunal (ET). 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 date of the discrimination taking place, or from the end of your employment with regard to a former employer. However, for many reasons it is always advisable to take action as soon as possible.

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 an ET. 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)