

Employment

Previous Employment

Redundancy



**RIGHT TO
PARTICIPATE**

Useful knowledge

An employer must make all reasonable adjustments to ensure disabled employees are not discriminated against in a redundancy process. They must ensure the selection criteria they apply to the process does not put disabled employees at a disadvantage. An employer also cannot make you redundant simply on the basis of your disability.

Useful skills

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

Ways to assert your legal rights

Prior to the commencement of any redundancy process, ideally your employer will have made clear which selection criteria they will be applying. For example, if the employer used absence as a means of selection, they should not have included disability-related absence or leave in the calculation.

If using flexibility i.e. ability to perform other tasks or roles, work additional hours etc. they should have ensured your disability or health condition was taken into account, and not make a decision based solely on flexibility shown already.

[Click here for template complaint letter](#)

If you don't get a satisfactory response, you can take a claim 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.

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 conciliation doesn't work).

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