



Discrimination at work

Some of us experience disability discrimination at work because of our mental health. Find out about the laws that protect us from discrimination, plus where to go for support and advice.

- This information applies to England and Wales.
- This information applies to adults. It doesn't apply to children unless specifically stated.

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Overview of discrimination at work

Sometimes employers treat us worse or unfairly when we have [mental health problems](#). This is called [disability discrimination](#).

If you experience discrimination at work, you may have a legal right to challenge it.

Quick facts

- The [Equality Act 2010](#) is the law that gives us the right to challenge discrimination. This law may protect us from discrimination when we:
 - **Are applying for a job, at work, made redundant or dismissed.** Find out more about this over the next few pages.
 - **Use services or public functions.** Find out more about this in our pages on [discrimination in everyday life](#).
 - **Buy, rent or live in property.** Find out more about this in our pages on [discrimination when buying, renting or living in property](#).
 - **Are in full- or part-time education.**
 - **Join some private clubs and associations.**
- To get protection under the Equality Act, you usually need to show that your mental health problem is a disability. Disability has a special legal meaning under the Equality Act. To find out if your mental health problem is considered a disability, see our page on [disability](#).
- If your mental health problem is a disability and you want protection under the Equality Act, you'll probably have to [tell your employer](#) about it.
- Generally, employers can't ask you questions about your mental health before they make a job offer, though there are [some exceptions](#).
- If you think you've experienced disability discrimination at work, there are things you can do to [challenge the discrimination](#).
- It's best to resolve disputes informally if you can. But if you cannot sort your problems informally or through formal grievance, you can [make a claim to an employment tribunal](#). If you're successful, the tribunal can either:
 - Award you financial compensation – in other words, give you money.
 - Make a recommendation, such as asking your employer to make [reasonable adjustments](#) to help you at work.
 - Or the tribunal might even do both of the above. Find out more about what happens at an [employment tribunal judgment](#).
- If your work problems do not count as disability discrimination, you may still have [other employment rights](#).

These pages contain general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who can help with your individual situation and needs.

For organisations that may be able to help, see our page of [useful contacts](#).

What does 'work' include?

The idea of being at work or having a job can mean different things to different people. But in terms of legal rights, work only counts in specific ways.

The [Equality Act 2010](#) applies to protect you from [discrimination](#) when you are:

- Applying for a job
- At work, including areas of working life such as:
 - Your pay
 - Your terms and conditions of employment
 - Sickness absence
 - Promotion
 - Opportunities for training or other benefits
- Dismissed or fired, which includes redundancy
- A former employee or worker, in certain circumstances

The Equality Act can offer protection if you are:

- An employee
- An apprentice
- A contract worker
- [Self-employed](#)

The Equality Act does **not** offer protection if you are an unpaid volunteer.

Protection for self-employed people

The way the Equality Act protects self-employed people is quite a complicated part of the law, which isn't always clear.

For example, you may be covered by the law if:

- You work within certain public sectors, such as schools.
- Your work involves carrying out a 'personal service' under contract. A personal service means you're generally not allowed to sub-contract any part of your work, or ask others to do the work for you.

If you're in this position, it would be unlawful for an employer to discriminate against you or [victimise](#) you because of your [disability](#). They could also be under a duty to provide [reasonable adjustments](#) to you because of your disability.

Because this area of law is so complex, if you think you've experienced discrimination as a self-employed person, **it's best to seek specialist legal advice.**

Find organisations who could help in our list of [useful contacts](#).

Experiencing discrimination at work

There are 6 types of [disability discrimination](#) under the [Equality Act 2010](#). On this page, you'll find examples of how each type might take place at work.

This page covers examples of:

- [Direct discrimination](#)
- [Discrimination arising from disability](#)
- [Indirect discrimination](#)
- [Harassment](#)
- [Victimisation](#)
- [Failing to comply with the duty to make reasonable adjustments](#)

To find out more about each of these types of discrimination outside of work, see our information on [disability discrimination](#).

If you're unhappy with your treatment at work, but your experience doesn't fit into these types of discrimination, check your [other employment rights](#).

Examples of direct discrimination at work

- Rowan has [bipolar disorder](#). They ask their employer if they can apply for a new role doing work they feel more able to do. Their employer says they cannot apply because of their mental health problem. **This is an example of direct discrimination.**
- Minoos does not have a mental health problem, but looks after her aunt who has mental health problems. Sometimes she needs to take time off to look after her aunt, or feels overwhelmed at work because of her caring role. Her employer treats her worse because of this. **This is direct discrimination – discrimination by association.**
- Najma does not have a mental health problem, but her employer treats her worse than her colleague because he thinks she has a mental health problem. **This is likely to be direct discrimination – discrimination by perception.**

Examples of discrimination at work arising from disability

- Aidan applies for a job and finds that his last employer gave a reference. This included negative comments about Aidan's mental health problem. The last employer has discriminated against Aidan, even though they no longer employ him. This is because the reference comes from, and is closely connected to, their former employment relationship. **This is discrimination arising from disability.**
- Sid has [depression](#). He has worked for the same employer for 2 years, who knows he has depression. Recently, Sid has had 3 periods of absence because of his depression. His employer disciplines him because of how many absences he has had.

Sid has been treated unfairly – not directly because of his disability, but because of something related to his disability. In this case, it's the time he's taken off sick. **This may be discrimination arising from Sid's disability.**

But the way the employer treated Sid **will not count as discrimination arising from disability if** they can prove either of these points:

- The way they treated Sid was for a good reason, and appropriate and necessary
- They did not know, or could not reasonably have known, that Sid had a disability

Example of indirect discrimination at work

Sarah's employer decides that all staff must start a new shift pattern which involves working late in the evening. All staff must accept this. But Sarah takes medication for [schizoaffective disorder](#) which makes her feel very sleepy in the evenings, so she isn't able to work late shifts.

This is likely to be indirect discrimination, as it puts Sarah at a disadvantage.

But it will not be discrimination if her employer is able to justify the new shift pattern for all employees, by showing that it is both:

- For a good reason
- Appropriate and necessary

Examples of indirect discrimination are often situations that can be improved thanks to the employer's duty to make [reasonable adjustments](#). In this example, Sarah's employer may be under a [duty to make reasonable adjustments](#), such as allowing her to remain on the daytime shift pattern.

Example of harassment at work

Jon has an eating disorder, which his manager knows about. His manager makes offensive comments in the open-plan office about people with [anorexia](#). **This is likely to be harassment.**

Example of victimisation at work

Jibin's colleague has [bipolar disorder](#). Jibin supports her colleague to complain to their employer about [disability discrimination](#). After this, Jibin's manager refuses her a promotion on the basis that her loyalty to the company is in question. **This is likely to be victimisation.**

Example of duty to make reasonable adjustments at work

Sylvie works in an office. She has [depression](#) and has been absent from work for several periods in the last couple of years because of this.

Her employer has to make some staff redundant. They want to consider past absences when deciding who to make redundant. This puts Sylvie at quite a large disadvantage compared to her colleagues.

It may be reasonable for Sylvie's employer to ignore her disability-related absences when deciding who to make redundant. **This is an example of their duty to make reasonable adjustments.**

Sylvie is also finding it difficult to cope with the uncertainty and feels distressed at work. She's taking part in a supported employment scheme from a workplace mental health support scheme. Her employer lets her make private phone calls to her support worker during the working day as **another reasonable adjustment.**

If Sylvie's employer knew about her disability, but did not consider making any changes to make things fairer for her, this could have been an example of failing to comply with the duty to make reasonable adjustments.

Read more about [reasonable adjustments you can request in the workplace](#).

Discrimination when applying for jobs

This page covers:

- [Can employers ask about my mental health when I apply for a job?](#)
- [Can employers ask about my health before a job offer?](#)
- [What questions can employers ask after they offer me the job?](#)

Can employers ask about my mental health when I apply for a job?

When you're applying for a job, employers can't generally ask you questions about your mental health before they make a job offer:

- **If an employer asks you any type of health question before making you a job offer**, you can report this to the [Equality Advice & Support Service \(EASS\)](#). Do this by filling out their [form for reporting pre-employment health questions](#). The Equality and Human Rights Commission website also has more information about [employment discrimination](#).
- **If you answer an employer's health question at the interview stage, then you don't get the job**, you may want to [challenge the discrimination](#). A court or [employment tribunal](#) will look very carefully at the employer's decision not to employ you. The employer must prove that this decision was not linked to your [disability](#).

Example of an unlawful question when applying for a job

Benny has [schizophrenia](#). He is applying for a job as a shop manager. In the initial stage, the recruiter asks Benny if he has any history of mental health problems.

The recruiter has acted unlawfully by asking Benny health questions in the recruitment process. Benny does not need to answer this question. But if he does choose to answer it, our advice would be that he should answer honestly.

Can employers ask about my health before a job offer?

In some situations, an employer is allowed to ask you questions about your health before they make a job offer.

For example, they can ask in order to:

- Find out whether you'll be able to take an assessment for the job.
- Find out whether you need [reasonable adjustments](#) in the application process.
- Find out whether you'll be able to do tasks that are required for the role – but they should also consider any reasonable adjustments.
- Confirm that they're receiving job applications from a diverse range of people.
- Confirm that you have the particular [disability](#) required for the job. For example, an employer hiring for a project for people with type 1 diabetes, may want someone with type 1 diabetes to run it.
- Assess you for national security purposes. For example, you might apply for a job in government which involves handling highly sensitive information. The employer could ask you any type of health questions during recruitment, for the purpose of security.

Lawful and unlawful questions before a job offer

- **Lawful** – An employer is recruiting and sends out an application form that says, 'Please contact us if you are disabled and need any adjustments for the interview'.
- **Lawful** – An employer is recruiting employees to put up scaffolding. In their application form, they ask relevant questions about disability, health and whether the applicant has a fear of heights.
- **Unlawful** – Ayo is applying for a job as an advice worker. During his interview, he is asked about his mental health history.

What questions can employers ask after they offer me the job?

If you're successful in your job application, the employer can then ask you about your health.

In some cases, after asking questions about your health, the employer might be concerned that your health may affect your ability to perform the job. If so, they should seek more information or advice from [occupational health](#) or your doctor.

It may be [direct discrimination](#) if both of these terms are met:

- Your job offer is taken away when you explain your mental health problems
- The offer was taken away without further assessment or investigation

Telling my employer

This page covers:

- [Should I tell my employer about my mental health problem?](#)
- [How do I show my employer that my mental health problem is a disability?](#)
- [What kinds of adjustments can I ask my employer to make?](#)

The information on this page is relevant to telling your current employer.

If you're looking for information about telling a prospective employer, see our page on [applying for jobs](#).

Should I tell my employer about my mental health problem?

If you have a [mental health problem](#), you might feel unsure about telling your employer about it. You might feel worried about confidentiality or unfair treatment because of it.

However, if your mental health problem is a [disability](#) and you want the protection of the [Equality Act](#), your employer needs to know about it.

If you do decide to tell your employer, think about:

- **How and when to do it.** It can be helpful to have a note from your doctor to help explain your situation.
- **How much information you want to give.** You don't have to go into personal details, just focus on how your mental health problem can affect your job.
- **Who you want to share it with.** For example, you might tell the human resources (HR) department about your diagnosis, but you don't have to tell your supervisor or colleagues.

For more information about telling your employer about your mental health, see our pages on [how to be mentally healthy at work](#).

Your employer might have asked you questions in the past about your health or [disability](#). If you did not tell them about your mental health problem then, but now you want to tell them, you should get specialist legal advice.

It's best to get specialist advice because the law around this can be complicated – for both you and your employer.

For details on legal specialists who could help you, see our list of [useful contacts](#).

How do I show my employer that my mental health problem is a disability?

Some employers may accept what you say without asking for more information. But because mental health problems aren't visible, it may be hard to explain your situation to your employer.

It can help to have a note from your doctor or another professional to explain:

- What mental health problems you have
- How they may affect you at work
- What [reasonable adjustments](#) might help you to manage your work

You could also show your employer our information on different [types of mental health problems](#).

Using occupational health services

Your employer might refer you to [occupational health](#) if you have a mental health problem which is either:

- **Affecting your work.**
- **Causing you to take time off sick.** Particularly if the time off is more than 2 or 3 weeks at once.

Occupational health referrals will help your employer understand what adjustments they need to make to support you at work.

Occupational health services may also make an assessment of your ability to do your job. If you disagree with the result, it's important to get specialist legal advice. For more details, see our list of [useful contacts](#).

You can read more about occupational health services on the [Acas website](#).

What kinds of adjustments can I ask my employer to make?

Your employer is under a duty to make adjustments **if both of these conditions are met:**

- Your mental health problem is a [disability](#)
- A feature of your work is causing you major disadvantage because of this disability

If so, the employer must make adjustments for you to avoid this major disadvantage.

Examples of adjustments you could ask for include:

- Changes to your physical work environment
- Changes to your working hours
- Spending time working from home
- Taking time off work for mental health treatment, assessment or rehabilitation
- Temporarily finding someone else to do tasks you find stressful and difficult
- Getting some workplace mentoring

What counts as ‘reasonable’?

The adjustments have to be ‘reasonable’ for your employer to make. Whether a change is reasonable or not depends on the circumstances of each case. For example:

- **If the adjustment brings a solution** that helps with your disadvantage
- **How practicable it is** for the employer to make the adjustment
- **Your employer's size and resources** available, including financial resources
- **What financial or other assistance** may be available to make the adjustment

To think about what changes could help you at work, try talking to your GP or another health or social care professional who knows about your mental health problem. You should also get a letter from them to back up any request you want to make.

Employers can sometimes get financial help with making reasonable adjustments, including cost of transport. This might be from the government's [Access to Work service](#). Free mental health support in the workplace is also available from [Able Futures](#).

Example of a reasonable adjustment: working hours

Liz works in a flower shop which employs 5 people. The shop is open from 9 in the morning until 5 in the afternoon, the same working hours as Liz.

She has [depression](#) and [anxiety](#), and finds that rush-hour travel on public transport makes her feel very unwell. Her working hours disadvantage her because of her disability.

- **It is not reasonable** for Liz's employer to pay for her travel to and from work by taxi. This is too costly for a small business.
- **It is not reasonable** for Liz's employer to adjust her role so that she doesn't have to work on the till. This wouldn't address or resolve her disadvantage in getting to and from work on time.
- **It might be reasonable** for Liz's employer to adjust her working hours from 8 in the morning until 4 in the afternoon. Then she doesn't have to travel during peak rush hour. This would be practicable for her employer, as Liz can open up the shop and process overnight orders before the shop opens to the public.

Examples of reasonable adjustments: creating a plan

Jorge has [generalised anxiety disorder \(GAD\)](#). His contract of employment says that:

- His hours of work are from 9 to 5 daily
- His place of work is the head office of his employer

His employer's sickness policy says that if employees have more than 5 days off in any 3-month period, they'll be invited to a sickness absence meeting.

When he first read the policy, Jorge told his employer about his mental health problem. He explained that his contract requirement to work 9 to 5 in the head office would be difficult at times of [stress](#). Together they came up with a plan to help Jorge with his work.

This plan includes:

- Letting him work from home when he is feeling anxious
- Giving him flexible start and finish times
- Giving him a work mentor who can support him during stressful periods at work

- Allowing slightly longer periods of absence before taking action under the sickness policy

Writing a letter to ask for changes at work

If you want your employer to make reasonable adjustments, you may want to write a letter setting out what you need.

To help you draft your letter, you may want to get some:

- **Informal help** or support from a friend, family member or [advocate](#)
- **Legal advice** from a specialist legal adviser or solicitor – find out who you can ask on our [useful contacts page](#)

Letter template

Download a draft letter asking your employer to make changes:

- Download [Word](#) – opens in new window
- Download [PDE](#) – opens in new window

How to challenge discrimination at work

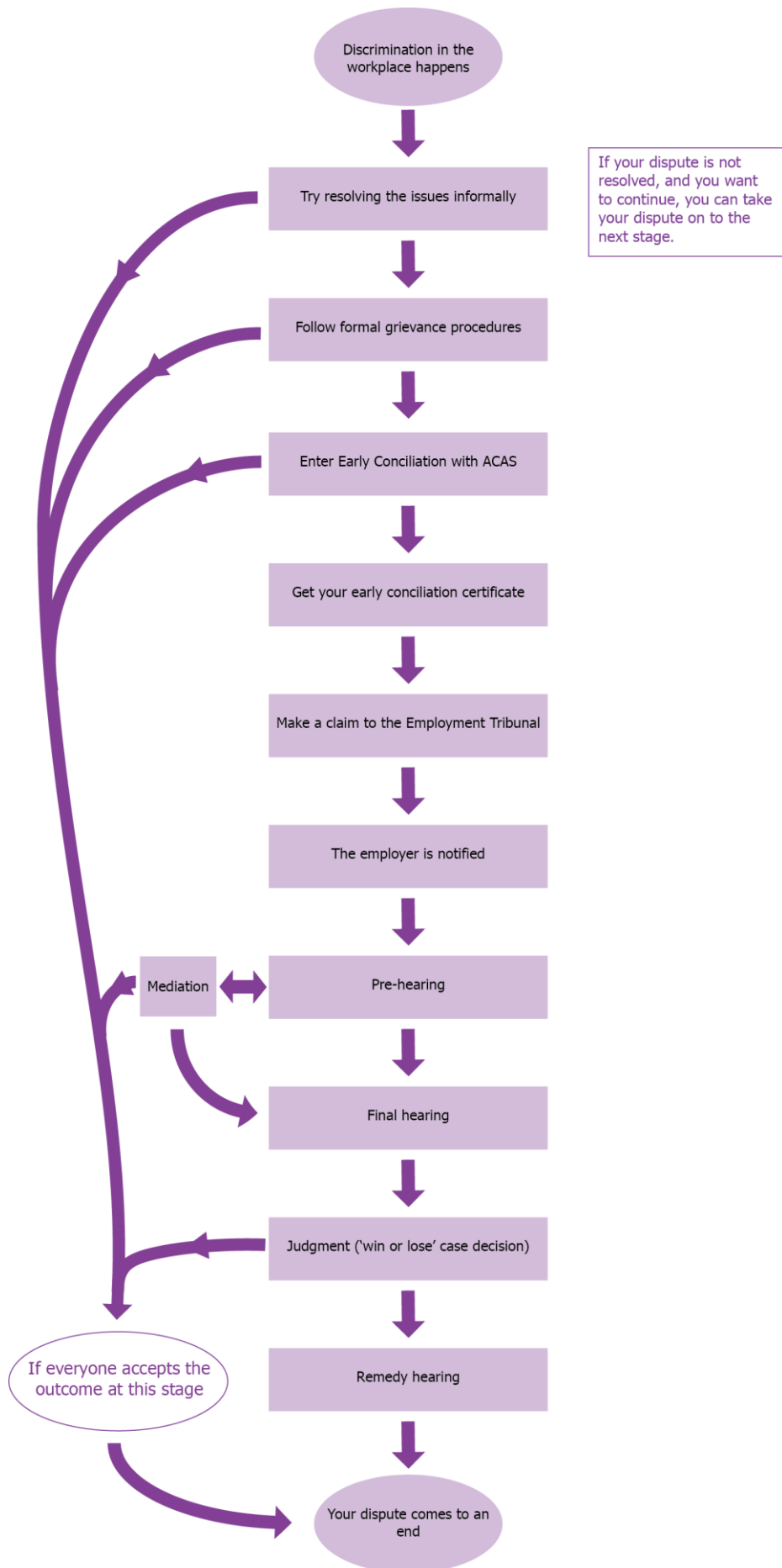
There are a number of ways to challenge [disability discrimination](#) at work. What's best for you will depend on exactly what has happened and how you feel about it.

Usually it's a good idea try to resolve things as quickly and informally as possible. If this doesn't work, you have the option of taking a legal claim to an [employment tribunal](#).

This page covers:

- [Resolving issues informally](#)
- [Following formal procedures](#)
- [Making a legal claim to an employment tribunal](#)
- [Taking a disability discrimination claim to an employment tribunal](#)
- [Ending your dispute](#)

In general, the stages you might go through to end a dispute could look like this:



Resolving issues informally

If you can, it's usually best to resolve your problem by just talking it through. This will feel more relaxed and also helps you to keep good working relationships. Start by speaking to your colleagues, manager or human resources (HR) department **as soon as possible**.

If you're satisfied with the outcome at this stage, [your dispute comes to an end](#). If not, you can continue challenging the issue.

You may need some time to think things over before deciding exactly what you want to say, and who to say it to. Try not to leave it too long, just in case you can't sort things out and want to take it further.

The deadline for making a [claim to a tribunal](#) is **3 months minus 1 day from when the dispute happens**. For example, if your dispute happened on 3 June 2022, then your claim deadline is 2 September 2022. This does not include any time you spend in [early conciliation](#).

Following formal procedures

If you'd like to resolve your issues through formal procedures, this will depend on whether you are:

- [Already involved in a formal procedure](#)
- [Not already involved in a formal procedure](#)

If you are involved in a formal procedure, this may also raise employment issues. For example, if you have raised a whistleblowing or equality issue and you're later [victimised](#) for doing so.

For this, you may wish to get some specialist employment law advice. For details of organisations who may be able to help, see our list of [useful contacts](#).

If you're already involved in a formal procedure

There are different formal procedures that you may already be involved in with your employer. They may have already started:

- **Absence or sickness management procedures** – if you've been off sick

- **Performance management or capability procedures** – if they believe you've not been performing your job as well as you could
- **Disciplinary procedures** – if they believe you may have broken disciplinary rules

These formal procedures will often set out what you can do if you don't agree with how you've been treated. For example, you may be allowed to appeal against a decision your employer has made in one of these formal procedures. If you believe that you may have experienced [discrimination](#), then you can raise this in your appeal.

Example of appealing against formal procedures

James experiences moderate [depression](#) and has taken several days off sick. His employer held an 'absence management meeting'. After this, they issued him with an Improvement Notice requiring him to improve his attendance over the next 6 months.

James feels this is unfair. He appeals against the Improvement Notice.

If you're not already involved in a formal procedure

Before going to a formal procedure, many employers have 'grievance procedures' in place that allow you to raise complaints about issues at work. You have the right to take a colleague or trade union representative along with you to any grievance hearing.

In this case it may help to:

- **Write down what happened**, how it's affecting you, and what support you want.
- **Get a supporting letter** about your mental health problem from your GP or other health or social care professional. This is especially helpful if your dispute is over [reasonable adjustments](#).
- **Ask for a response in writing**. Always keep copies of any correspondence you send or receive, including emails.
- **Get legal advice** from a trade union or specialist adviser. Trade union advice may be free if you're a member, but you'll probably have to pay for specialist legal advice.

If you're satisfied with the outcome at this stage, [your dispute comes to an end](#). If not, you can continue.

Making a claim to an employment tribunal

If you cannot resolve your issues within your workplace, you may decide to make a claim to an employment tribunal.

An employment tribunal makes decisions for disputes between employers and employees about employment rights. It's like a court, but not always as formal.

Before making your claim, it's important to understand every part of the process:

- [Early conciliation with Acas](#)
- [Getting your early conciliation certificate](#)
- [How to make your claim](#)
- [Can I still make a claim if I miss the 3-month deadline?](#)

Early conciliation with Acas

Before you can go to an employment tribunal, you must contact the [Advisory, Conciliation and Arbitration Service \(Acas\)](#). You must inform them of your intention to make a claim.

They'll offer you the chance to try and settle the dispute without going to court by using their free [early conciliation service](#). Early conciliation can last for up to 6 weeks.

Remember: you have a 3-month deadline to make a claim to an employment tribunal, but time spent in early conciliation doesn't count towards this.

If you're satisfied with the outcome at this stage, [your dispute comes to an end](#). If not, you can continue with a legal claim. To continue, you'll need an early conciliation certificate from Acas.

Getting your early conciliation certificate

If you've not been able to resolve your dispute through early conciliation, Acas will send you an 'early conciliation certificate'. Once you receive this, you'll have the same amount of time left to make your claim, as you did before you started conciliation.

In any event, you'll have a minimum of 1 calendar month from the date you receive your certificate, to bring your claim to a [tribunal](#). For more information about the time limitations, see the [Acas website](#).

Example of early conciliation

Helen's employer has discriminated against her because of her mental health problem. She knows the deadline for bringing a claim to an employment tribunal is 3 months away, minus 1 day.

This is how the events proceed in order:

- She spends 1 month trying to resolve the issue informally and considering her options. She decides she wants to take things further.
- She contacts Acas and spends another 1 month in early conciliation. The early conciliation still does not help to settle her dispute, so she decides to continue with her case.
- Acas send Helen an early conciliation certificate. By this point it's been exactly 2 months since Helen experienced the discrimination. But because the 1 month she spent in early conciliation doesn't count, the deadline for making her claim is still 2 months away, minus 1 day.

How to make your claim

To make your claim, you have to fill out and submit a claim form called an ET1 – you can do this online using the government's [Employment Tribunals Service](#). The government website also has an option to [download the ET1 claim form](#).

If you decide to take this step:

- **Make sure you send the claim form within 3 months, minus 1 day of the date you experienced discrimination.** This does not include time spent in [early conciliation](#). You'll also need your [early conciliation certificate](#). If you [miss this deadline](#), it's unlikely that you'll be able to claim.
- **Seek legal advice.** It's always important to get good legal advice about your situation before going to court. For information on how to find legal help, see our list of [useful contacts](#).
- **See if you can get help and support.** Taking legal action can feel complicated and stressful. You could ask a trusted friend or advocate to help you. For more information, see our pages on [advocacy](#).
- **See if you can get help paying your legal fees.** To find out how you might do this, see our information on [getting help with legal fees](#).
- **Watch a case at your local tribunal.** If your case is going to a full [hearing](#), then it can be useful to watch another person's case. This helps you to understand the process before you go through it. The government website has a list of [employment tribunal venues](#).

Tips for completing your ET1 claim form

When filling in your ET1 form, we recommend you try to do the following:

- Write out the details of your claim as clearly as possible, using language that feels simple and natural to you.

- If you are claiming [disability discrimination](#), note down what your mental health problem is and how it affects you.
- Explain what outcome you want. For example, this could be compensation, or a recommendation for your employer to make [reasonable adjustments](#).
- Describe any adjustments you may need in the tribunal process. For example, you might need to ask for regular breaks during a [hearing](#).

Can I still make a claim if I miss the 3-month deadline?

In most cases, you cannot make a claim if you miss the deadline. But in rare cases, the employment tribunal can extend this deadline if it is 'just and equitable' to do so. For example, if you have been very unwell after the discrimination.

If you want to ask for an extension, you should explain your reasons in your ET1 claim form.

If you have medical reasons for missing the deadline, ask your GP or another medical professional to provide you with a written letter. This should explain how your medical condition has affected your ability to put your claim in on time.

Taking a disability discrimination claim to an employment tribunal

Taking legal action against your employer may not be straightforward, since you both have the right to appeal decisions at various stages. You may also choose to settle your case at any point. But in general, the stages you can expect are as follows:

- [The tribunal tell your employer about your claim](#)
- [Invitation to a pre-hearing](#)
- [Judicial mediation](#)
- [Final hearing](#)
- [Judgment](#)
- [Remedy hearing](#)

The tribunal tell your employer about your claim

As soon as the tribunal tell your employer about your claim, your employer has 28 days to send a written response.

If they fail to respond in writing within 28 days, then it's up to the judge to decide the outcome of the case. The outcome will be based on either:

- The issues alone raised in your claim

- The remedies alone asked for in your claim – in other words, financial compensation
- A combination of the 2 points above

The judge may also choose to extend the time for the employer to respond. But the extension will be within a certain time period.

If your employer doesn't respond at all, they might not be allowed to participate until the [final hearing](#).

Invitation to a pre-hearing

The purpose of a pre-hearing is:

- To clarify what your claim is about and what the employer's defence is.
- To consider whether your claim should proceed to a [final hearing](#).
- To consider whether to dismiss your claim, if it does not proceed to a final hearing.
- To make orders about how your claim will progress. These are called 'case management orders'. **These orders will likely include:**
 - Ordering parties to **provide information**, like a schedule of loss showing what compensation you're claiming and why. For example, lost wages due to your [discrimination](#).
 - Ordering you to provide **supporting medical records**, a GP or specialist report, or an 'impact statement' written by yourself. If the employer is arguing that your mental health problem is not a disability, the tribunal may set another pre-hearing to consider this.
 - Ordering parties to provide copies of all **documents relevant to the case**.
 - Ordering parties to provide written **witness statements** from all of the people who are giving evidence.
- To set a date for the final hearing of your claim.
- To consider if any [reasonable adjustments](#) should be made to help you participate in the final hearing. For example, taking regular breaks or setting up a certain type of seating arrangement for you.

Judicial mediation

If you still work for the employer during the process, you may be offered 'judicial mediation'. This is a type of private dispute resolution which does not involve going to a [final hearing](#).

You and your employer both attend a tribunal where a specially trained judge helps you try to resolve your dispute. This mediation is held in private.

If you can't resolve your dispute during mediation, **nothing that you or your employer has said here can be referred to at any final hearing.**

Mediation can often be successful and [your dispute might come to an end](#). If not, your claim may continue.

Final hearing

Disability discrimination claims are heard by a tribunal panel. This is the trial stage of your claim. This panel is usually made up of 3 people:

- 1 judge
- 2 other panel members with relevant experience of employment issues

You and your witnesses will be given the opportunity to do both:

- Present your evidence in the form of a witness statement.
- Direct the tribunal to relevant documents – such as your contract of employment, workplace policies, medical records, reports, emails and letters.

The employer or their representative will be allowed to ask you questions about your evidence – this is called ‘cross-examination’. The employer's witnesses will present their own evidence for you or your representative to cross-examine too.

People on the tribunal panel often ask their own questions to you, your employer and any witnesses.

Judgment

After the [hearing](#), the tribunal panel will decide whether you have won or lost your claim. If you win, you're usually entitled to compensation – in other words, money. Sometimes they'll make recommendations, for example that the employer makes any [reasonable adjustments](#) you've asked for.

The tribunal panel could tell you their decision either:

- At the end of the final hearing.
- At a later date, which could be weeks or sometimes months after the final hearing. This is called ‘reserving judgment’.

If you ask them to, they will always explain the reasons for their decision in writing.

If you and the employer accept the judgment and decisions, [your dispute comes to an end](#). If not, your claim may continue.

Remedy hearing

If you've won your claim but your employer still doesn't make an acceptable offer of compensation, the tribunal will arrange a remedy hearing. This only applies for cases where you're seeking financial compensation.

In this, the tribunal will hear the evidence again and make a final decision on what the employer must pay. This is called the 'remedy'.

If the employer accepts the remedy, [your dispute comes to an end](#). If not, they may appeal and your claim may continue.

For more information about taking a claim to an employment tribunal, including what kinds of costs might be involved and what it's like, visit the [Citizens Advice website](#).

Ending your dispute

One way or another, your dispute will eventually come to a conclusion. This can be a difficult time, no matter what the outcome.

For example, you might:

- **Feel disappointed, frustrated and angry** if the outcome wasn't everything you hoped for.
- **Feel satisfied and relieved** with the outcome, but still overwhelmed by what you've been through.
- **Have spent a lot of time and energy** on your dispute – perhaps months or even years.
- **Need to rebuild relationships** with your employer and colleagues.
- **Have already moved on** from that workplace and want nothing more to do with them.
- **Feel that things have not really been resolved** at all. But you still might feel that it's best for you to end the dispute at this stage.

However you feel when your dispute ends, it's important to look after yourself and think about what helps you stay well. For tips and advice, see our pages on [wellbeing](#), [managing stress](#) and [being mentally healthy at work](#).

What other employment rights do I have?

You may have other employment rights besides [disability discrimination](#) rights.

For example:

- Employees with 2 years' service have rights related to redundancy and unfair dismissal
- Employers have a legal responsibility to make sure that employees have a safe system at work

To find out more about your other employment rights, you can:

- Check with [Acas](#)
- See a specialist legal adviser, which you can find in our [useful contacts](#)
- Find more information in our pages about [mental health and work](#)

Useful contacts – discrimination at work

Mind's services

- [Mind's Legal Line](#) provides legal information and general advice by phone.
- [Local Minds](#) offer face-to-face services across England and Wales. These services include talking therapies, peer support and advocacy.

How to find an advocate

To find [advocacy](#) services and groups in your area, you could call Mind's Legal Line on [0300 466 6463](tel:03004666463) or contact your local Mind.

If you're in hospital, you can also contact the:

- [Patient Advice Liaison Service \(PALS\)](#) in England
- [Community Health Council](#) in Wales

In some situations, you may be legally entitled to the support of an advocate. For more information, see our page on [your legal rights to advocacy](#).

Other organisations

Able Futures

[0800 321 3137](tel:08003213137)

able-futures.co.uk

Confidential guidance and support to help you cope with work while managing a mental health problem.

Advisory Conciliation and Arbitration Service (Acas)

[0300 123 1100](tel:03001231100) (helpline)

[18001 0300 123 1100](tel:1800103001231100) (textphone)

acas.org.uk

Advice and guidance on workplace issues and employment law, including an early conciliation service.

Citizens Advice

[0800 144 8848](tel:08001448848) (England Adviceline)

[0800 702 2020](tel:08007022020) (Wales Adviceline)

[18001 0800 144 8884](tel:1800108001448884) (textphone)

citizensadvice.org.uk

Free, confidential information and advice on your rights, including money, housing, experiences of discrimination and other problems.

Civil Legal Advice (CLA)

gov.uk/civil-legal-advice

Can tell you if you're eligible for legal aid, and give you free and confidential legal advice if so.

Disability Unit

gov.uk/government/organisations/disability-unit

Supports the development of policies to remove inequality between disabled and non-disabled people.

Employment Tribunal

gov.uk/courts-tribunals/employment-tribunal

Hears claims from people who may have been treated unfairly by an employer or potential employer.

Equality Advisory & Support Service (EASS)

[0808 800 0082](tel:08088000082) (helpline)

[18001 0808 800 0084](tel:1800108088000084) (textphone)

equalityadvisoryservice.com

Advice on issues relating to equality and human rights, including guidance for disabled people.

Equality and Human Rights Commission (EHRC)

equalityhumanrights.com

Promotes and monitors human rights and equality.

GOV.UK

[gov.uk](https://www.gov.uk)

Lists government services and information.

Law Centres Network

[lawcentres.org.uk](https://www.lawcentres.org.uk)

Information about Law Centres, which defend the legal rights of people who can't afford a lawyer. Includes a searchable directory.

Law Society

[lawsociety.org.uk](https://www.lawsociety.org.uk)

Professional association for solicitors in England and Wales. Includes a searchable directory of solicitors.

LawWorks

[lawworks.org.uk](https://www.lawworks.org.uk)

Connects volunteer lawyers with people who aren't eligible for legal aid and can't afford to pay for legal advice. Includes details of free legal advice clinics.

Shaw Trust

[0800 389 0082](https://www.shawtrust.org.uk)

[shawtrust.org.uk](https://www.shawtrust.org.uk)

Supports disabled people to find and stay in work.

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References are available on request.