

Factsheet for Employers on Crohn's Disease



What is Crohn's disease?

Crohn's disease, or Inflammatory Bowel Disease (IBD), commonly affects the colon but can affect anywhere from the mouth to the rectum. Each person's experience of Crohn's disease will be different. The disease is on-going and symptoms are likely to include pain, diarrhoea, severe tiredness or weight loss.

Around 1 in 1,200 people in the UK are affected by Crohn's disease¹. Men and women are affected equally, with diagnosis usually between the ages of 15 and 25². If someone is diagnosed early in life their education or early career might be disrupted. However, most people with Crohn's disease are in remission for most of their life, leading full working lives.

It is very important to discuss possible adjustments with your employee(s) as they will know more about how their Crohn's disease affects them – this is particularly important given the fluctuating pattern of symptoms in some individuals. Flexibility is the key, and adjustments may either be temporary or long-term. It is important to review any adjustments made on a regular basis.

Suggestions on reasonable adjustments

Induction and environment

Induction is an important part of how any individual is welcomed to their new role, colleagues and organisation. People with Crohn's disease may not need any specific adjustments to their induction process, however they may want to discuss the need for possible flexibility in the future.

In order to fulfil your legal obligations to make reasonable adjustments you should discuss with the employee their needs and wishes. Many employees are extremely proactive in managing their own condition and may require few if any adjustments to be made.

¹ National Association for Colitis and Crohn's disease, www.nacc.org.uk

² NHS Direct, www.nhsdirect.nhs.uk

Adjustments that might be needed include:

- Allowing people to use the toilet as and when needed;
- If possible, provide easy access to an extra toilet, if you have a small number that may sometimes be in use;
- Meal breaks may need to be taken at regular intervals, or at regular times. Some people manage their symptoms through their diet, and you will need to be sensitive to any dietary needs in these situations. For example, if an individual avoids lactose-based milk, a reasonable adjustment would be to allow soya milk in the canteen;
- Individuals manage their Crohn's disease in different ways, so discuss the best work pattern for that individual at induction and review with the employee how this is working at appropriate points;
- Individuals with Crohn's disease can experience both inflamed eyes and joints (e.g. arthritis), usually during a flare-up of the disease. Workplace assessments can ensure that equipment used does not make any of the symptoms worse;
- Manage workloads in such a way to reduce the pressure on individuals.

Managing absences

Making reasonable adjustments can help to improve attendance by addressing the causes of absence and also to ensure disabled people are not unjustifiably discriminated against for a reason related to their disability in the attendance management process.

Adjustments that might be needed include:

- Where people need to take medication at work, they are provided with a private space and drinking water;
- Allow time off to attend appointments for assessment, treatment or rehabilitation;
- Ensure that you have a scheme in place that distinguishes between sickness absence taken for a reason relating to a disability and general

sickness absence³. Ensure that adjustments are made in processes to manage attendance and sickness absence so that disabled employees are not treated less favourably for a reason relating to their disability;

- Allowing working from home, permanently or occasionally, where an individual finds it difficult to travel for long periods of time;
- Be understanding. The employee will be much more likely to try to work come into work if he or she knows that he or she can take a break or go home if necessary.

Working as part of a team

It is important that managers are aware of what they can do to support an employee with Crohn's disease, if the individual has disclosed their disability to the manager. Ensure that you only share information with colleagues if you have explicit permission from the employee with Crohn's disease. A manager will need to be aware that a reasonable adjustment may be needed (for example, regular breaks or time off for treatment), even if he/she does not know what the disability is.

Legal position

Disability discrimination under the Equality Act 2010.

Direct discrimination

It is unlawful for an employer to treat a disabled job applicant, or employee, less favourably, simply because of their disability. This type of discrimination is known as direct discrimination. It is unlawful and cannot be justified.

Discrimination arising from disability

The Equality Act replaced disability-related discrimination in the Disability Discrimination Act with discrimination arising from disability which occurs when:

- An employer knows or could reasonably be expected to know that the person is disabled;

³ Further information on disability leave is available in from our briefing paper "A practical guide to managing sickness absence".

- The disabled person experiences unfavourable treatment which arises as a consequence of their disability.

There is no requirement for a comparator i.e. the disabled person does not have to show that they have been treated or would have been treated less favourably than someone else.

An employer can justify detrimental treatment arising out of a disability if they can show that it is a proportionate means of achieving a legitimate aim.

Indirect discrimination

The Equality Act has introduced the new concept of indirect disability discrimination.

Indirect discrimination occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. a disability at a particular disadvantage.

Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

Reasonable adjustments

An employer has a duty under the Equality Act to make reasonable adjustments (which includes providing auxiliary aids such as a support worker or information in alternative formats) to prevent a disabled employee from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice of the employer.

The duty applies to all aspects of employment, including recruitment and selection, training, transfer, career development and retention and redundancy. Failure to make a reasonable adjustment to a policy procedure or practice, or to a physical feature of the workplace where this is placing a disabled person at a substantial disadvantage, is unlawful and cannot be justified. Examples of reasonable adjustments for people with dyslexia are given throughout this briefing.

When deciding whether or not an adjustment is reasonable an employer should consider the:

- Effectiveness of the adjustment in preventing the disadvantage;
 - Practicality of the adjustment;
 - Financial and other costs of the adjustment and the extent of any disruption caused;
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- Extent of the employer's financial or other resources;
- Availability to the employer of financial or other assistance to help;
- Make an adjustment, for example through the Access to Work scheme and the support of Jobcentre Plus.

Equality Duty

Public authorities and those carrying out public functions are required by the Equality Act to promote equality of opportunity for disabled people.

This includes ensuring that third parties, such as recruitment agencies who provide services to the authority, do not discriminate against disabled people and that they positively encourage disabled candidates to apply for jobs within the authority. The duty also means that authorities need to think in advance about the needs of both disabled employees and potential disabled employees. Authorities should bear this in mind when reading this briefing.

As well as the Equality Act, there is also a "statutory" Code of Practice on Employment and Occupation. "Statutory" means that it is produced under the legislation; it is admissible as evidence and must be taken into account by courts and tribunals where relevant. References are made in this briefing to the Code.

Access to Work Scheme

Access to Work is a Government run scheme that offers disabled people financial support for reasonable adjustments in the workplace, such as a workplace assessment. For more information contact an Access to Work Adviser who will tell you more about the scheme and how it could help you. Contact details of the Access to Work business centre nearest to you can be found through Jobcentre Plus (www.jobcentreplus.gov.uk).

For more information contact:

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