

Factsheet for employers on Sickle Cell Anaemia



What is Sickle Cell Anaemia?

Sickle cell anaemia is a disorder where some red blood cells are rigid and sickle-shaped rather than flexible, as standard red blood cells are. The rigidity and different shape make it difficult for the red blood cells to squeeze through very small blood vessels (eg capillaries). They can slow the usual flow of blood, which can prevent oxygen getting to where it needs to get to.

This can lead to organ damage and severe pain, caused by significant attacks called **crises**. The level of damage to organs can be severe, and can be fatal.

Red blood cells containing sickle do not live as long as standard red blood cells, so people with sickle cell anaemia also have a reduced number of cells in their blood. This causes a permanent state of anaemia.

In addition to regular medical appointments, medical attention is required before and after operations, dental extraction and during pregnancy.

In order to be diagnosed with Sickle Cell Anaemia, a person needs to have inherited the gene from both parents. People with **Sickle Cell Trait** carry the gene from one parent only, and so even though they have some red blood cells that are sickle shaped, they have enough that are not, and so do not experience the same degree of symptoms. People with Sickle Cell Trait can find that they are short of breath when doing activities where there is less oxygen in the atmosphere (e.g. mountain climbing).

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.

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.

Adjustments that might be needed include:

- Providing adjustments to the premises in order to reduce any barriers that may exist as a result of reduced mobility e.g. providing an accessible car parking space, installing an accessible toilet or a lift;
- Identifying if the employee may require assistance in the event of an emergency - if so, design a personal emergency egress plan (PEEP);
- Identifying with the employee how they would like a sickle cell crisis to be managed if one occurs in the workplace (this would usually involve urgent medical attention);
- Conducting a workstation ergonomics assessment to identify changes needed to reduce the need for moving and bending if these cause additional pain e.g. seating arrangements, weight of doors, height of work equipment, height and position of shelves and switches;
- Providing equipment to help the employee with symptoms such as pain that may affect movement e.g. hands-free telephone, voice recognition software;
- Providing equipment to help an employee experiencing difficulties with concentration and memory e.g. colour coding, an electronic calendar or a Dictaphone;
- Warmth may be needed to encourage circulation – provide an individual heater if needed. The individual may also need to use a hot water bottle to manage pain.

Communication

Adjustments that might be needed include:

- Create a culture where employees feel it is safe to disclose a disability. Disabled employees need to know that they will be treated fairly and that your response will be to ask them how you can help them to do their job by making reasonable adjustments;
- Provide formal and informal support systems such as employee welfare schemes or disability networks and encourage employees to take advantage of them;

- Be positive. Involve the employee in discussions about the reasonable adjustments that they might need as they will know about how the sickle cell anaemia affects them.

Workplace behaviour

Sickle cell anaemia affects people in different ways. People with sickle cell anaemia may experience problems with dizziness, fatigue or concentration.

Adjustments that might be needed include:

- Fixing handrails or keeping passageways uncluttered;
- Providing access to plenty of water which an employee with sickle cell anaemia will need to drink. This will mean that an employee will need regular toilet and other breaks;
- Providing a safe, secure and confidential place to store and take medication;
- Locate the employee close to facilities that they may need access to (e.g. toilet, kitchen).

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:

- 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 absence¹. Ensure that adjustments are made in processes to

¹ Further information on disability leave is available in our briefing paper “A practical guide to managing sickness absence”.

manage attendance and sickness absence so that disabled employees are not treated less favourably for a reason relating to their disability;

- Consider requests from employees who would like to work flexible hours for example to avoid the rush hour and requests to work from home on days when their symptoms are particularly severe;
- If possible, put in place provision for short notice cover for employees known to have fluctuating conditions such as sickle cell anaemia;
- Be understanding. The employee will be much more likely to try to work come into work if s/he knows that s/he can take a break or go home if necessary;
- If it is not possible to keep the employee in their current role, consider redeployment as a reasonable adjustment.

Working as part of a team

Adjustments that might be needed include:

- Take a proactive approach to managing stress within your organisation: ensure that workloads and deadlines are reasonable, set your employees clear objectives and ensure they have the resources that they need to be able to perform effectively;
- Provide disability awareness training for all staff and additional training for line managers so that they are confident and effective in managing disabled employees and making reasonable adjustments;
- Make changes to the work environment to help with concentration or memory difficulties e.g. room dividers, other soundproofing or visual barriers.

Sickle Cell Crises

An employee having a crisis will become suddenly unwell or complain of severe pain in the chest or abdomen, or may have a severe headache, stiffness in the neck, or may be drowsy.

If you suspect an employee with sickle cell anaemia is having a crisis, you may need to arrange for the individual to visit hospital for urgent medical treatment. Develop a plan of action with the employee during

their induction about what will happen in the event of a crisis in the workplace.

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;
- 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;
- 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 adaptations to premises or purchase of equipment. 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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Or

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