

What is Vertigo?

Vertigo is a sensation of spinning even when a person is standing completely still. It is often confused with a fear of heights, with vertigo, the dizzy feeling that one has when looking down from a high place can occur at any time, and in severe cases can last for many years. For some people the feeling may be so severe that they fall to the ground. Vertigo can make moving around difficult, as the feeling of spinning affects balance.

Mild vertigo is very common, and symptoms are not serious. However, recurrent or persistent vertigo could be caused by an underlying condition. Vertigo can develop suddenly and last for just a few minutes, or it may occur on and off for a number of days. For some people with severe and/or chronic vertigo, the symptoms may be constant for several days, and may recur depending on the cause.

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. Vertigo can be a progressive and fluctuating condition. Organising work so that it can be done in manageable chunks can be one way of reducing the impact of a flare-up of the condition.

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:

- 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;
- Identify if the employee may require assistance in the event of an emergency - if so, design a personal emergency egress plan (PEEP);
- Conduct a workstation ergonomics assessment to identify changes that need to be made to reduce the need for bending or moving the head often e.g. seating arrangements, height of work equipment, height and position of shelves and switches;

- Provide equipment to help the employee with symptoms involving visual problems e.g. large button telephone, reader software;
- Provide equipment to help an employee that might develop vision problems e.g. screen amplifiers and documents in alternative formats.

Workplace behaviour

Alongside symptoms such as a feeling of dizziness or light-headedness, people suffering from vertigo may also experience vomiting, nausea or diarrhoea, for which adjustment will need to be made, both during and after an episode to recover.

Adjustments that might be needed include:

- Allow employees with vertigo to take breaks as needed, or regular breaks if this would be appropriate;
- Make a quiet room available where the individual can rest if they need to.

Anxiety

Two common triggers for vertigo episodes are hyperventilation and migraines. Managing stress and anxiety within an organisation can minimise the risk of an episode. The employer should also recognise that a vertigo episode can be a distressing event for an individual, and they may need time to recover once an episode has passed.

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;
- Be aware that an employee may develop anxiety and/or depression, so that you can make adjustments on this basis, if needed.

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 might include:

- Allow time off to attend appointments for assessment, treatment or rehabilitation – this may include learning to use exercises that can help with reducing the effects of vertigo;

- Ensure that you have a scheme in place that distinguishes between sickness absence taken for a reason relating to a disability and general sickness absence. 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;
- Consider requests from employees who would like to work flexible hours for example 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 vertigo;
- If it is not possible to retain the employee in their current role, consider redeployment as a reasonable adjustment;
- Be understanding. The employee will be much more likely to try to come into work if he or she knows that he or she can take a break or go home if necessary;
- Be positive. Involve the employee in discussions about the reasonable adjustments that they might need as they will know about how the vertigo affects them.

Working as part of a team

Not all employees will be aware of the implications of someone experiencing vertigo; in particular awareness of the full range of severe vertigo may be poorly understood. It is important that managers are aware of the support that can be offered to employees with vertigo:

- 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;
- Provide formal and informal support systems such as employee welfare schemes or disability networks and encourage employees to take advantage of them;
- Consider reallocating minor duties which the employee finds difficult for reasons related to their condition. This might include lifting and carrying, which can be problematic where a person is experiencing difficulties with balance.

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 following:

- 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 a workplace assessment 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).

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