

Discipline and Pressure to Return to Work

RMT London Transport Regional Council Disabled Members Covid-19
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The Advisory, Conciliatory and Arbitration Service (ACAS) makes clear that the law requires your employer not to discriminate against disabled workers by trying to unreasonably pressure you to return to work, or by unreasonably disciplining you for not going to work. (See picture.)

The law defines you as disabled if you have a physical or mental impairment that has a long-term (at least a year), substantial, adverse effect on your ability to carry out normal day-to-day activities. Usually, this is judged on a case-by-case basis, but if you have cancer, multiple sclerosis or HIV, then you are automatically deemed to be disabled from when you are diagnosed.

So, if you think you meet this definition, and are off sick, or health advice is that you self-isolate or shield, and your employer is:

- pressuring you to come back to work – perhaps by repeatedly contacting you, or threatening to stop your pay; or
 - starting disciplinary action against you for absence from work
- then **contact your RMT rep, branch or helpline immediately.**

Unfair treatment and dismissal

An employee or worker is protected by law against unfair treatment and dismissal, if it's because of:

- pregnancy
- age
- a health condition that's considered a disability under the Equality Act

It does not matter how long they've worked for the employer.

It could be unlawful discrimination on the grounds of pregnancy, disability or age if an employer either:

- unreasonably tries to pressure someone to go to work
- unreasonably disciplines someone for not going to work

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