

Keratoconus Group

Information Sheet 3 October 2018

**Keratoconus Self Help and Support
Association**
P.O. Box 26251, London W3 9WQ
Tel 020-8993 4759
www.keratoconus-group.org.uk



How the Law Can Help You at Work

This guide is intended to help people with keratoconus understand how the law can help them to lead a full working life. The information provided in this leaflet represents our understanding of the law. You must not take this leaflet as being a complete or accurate statement or authority of the law. This information is provided in good faith and on the understanding that the Keratoconus Group accepts no liability for the accuracy of any statement herein. Every individual situation is different and we recommend that you take legal advice.

Health and Safety at Work

This video of the Access to Employment talk at our 2011 conference may be helpful:

***[https://
www.keratoconus-
group.org.uk/
index.php/conference-
videos-2011/](https://www.keratoconus-group.org.uk/index.php/conference-videos-2011/)***

1. The Health & Safety at Work Act, together with its related legislation, demands that all employers provide safe systems of working. The Act protects everybody who works for an employer including part time and voluntary workers as well as full time employees.

Health and safety legislation is standard across the United Kingdom (although procedures for the prosecution of breaches of the law in Scotland are different from those in the rest of the UK).

There is lots more information on the RNIB website:

<https://www.rnib.org.uk/information-everyday-living/work-and-employment>

and

<https://www.rnib.org.uk/information-everyday-living-work-and-employment-practical-support/access-work-scheme>

2. The law requires every employer to appoint a competent person to be responsible for health and safety (although his/her job title might not be Health & Safety Officer). Contact the person responsible for health and safety as soon after beginning employment as you can and give him/her the attached "Keratoconus at Work", (Information Sheet 2). If you cannot identify your Health & Safety Officer within a few days of beginning your employment, send the "Information for Employers" ("Keratoconus at Work") to the head of personnel.

3. If your keratoconus affects the way that you do your job, your employer will need to share that information with the people responsible for providing you with safe working conditions (such as the Health & Safety Officer, your immediate supervisor, or individuals responsible for setting up work rotas).

If your keratoconus does not impair your ability to do your job, it may still be sensible to tell your employer about your condition. There is no clear ruling about the need to tell your employer. Some advice is available at <https://www.gov.uk/looking-for-work-if-disabled>.

4. You have a legal duty to cooperate with your employer. If your employer provides you with special equipment (e.g. anti-dust goggles) you must use it. If your employer offers you any special training (e.g. in setting-up your computer workstation so that text size and colours are suitable for you) you must attend the training session and put into practice the advice that your employer gives you.

If you have any doubts about the suitability of the health and safety arrangements that your employer is making for you, you should contact your usual eye-care clinic, in writing, as soon as possible. Give your employer a copy of any communications that you have with your eye-care clinic.

5. Computer operating systems incorporate software that you can use to modify screen text sizes, colours, etc. to suit your needs. If you have any difficulty, ask your employer to show you how to use this software.

Occupational Health

6. Employers have to have access to an Employment Medical Advisory Service (EMAS), which will quite often encompass occupational health services.

Occupational health units provide employers with independent, expert advice about the impact of working practices on the health of individual employees and the capacity of individual employees to perform a particular job.

Some smaller employers do not have access to an occupational health service, in these cases employees can contact:

<https://fitforwork.org/> this is a Government funded service

If an employer is potentially exposing employees to hazards (e.g. dust, or fumes) then there will be a duty under pieces of legislation related to the Health and Safety at Work Act that will dictate not only that employees must be sent for health surveillance but will also define the time periods in which this must happen.

If your employer asks you to attend an employment medical advisory service or occupational health unit you should do so. Give the occupational health unit details of your normal eye-care clinic.

Changes to Your Condition

7. Your employer is expected to make regular assessments of your working conditions and take reasonable steps to ensure that health and safety arrangements take account of changes to your health and changes to your working conditions.

8. If your condition changes significantly you must inform your employer in writing, as soon as possible. Should the worst comes to the worst, and you have to make any formal complaint about the health and safety arrangements that your employer has provided, it will count against you if you have not kept your employer informed about your condition.

9. If a change in your condition or a change in working practices makes it impossible to continue in your current employment, your employer is obliged to take reasonable steps to find you an alternative role at the same salary and status. For your part, you are expected to be reasonably cooperative in taking on a different role.

The Law and You

There is more information about the Equality Act 2010 on the RNIB Website including the requirement to make reasonable adjustments:

<https://www.rnib.org.uk/information-everyday-living-work-and-employment-staying-work/disclosure-and-equality-act-2010>

10. The Equality Act 2010 makes it unlawful for any employer, regardless of size, with the exception of the armed forces, to directly discriminate against a disabled person because they are disabled. Also they must not discriminate against a disabled person for a reason related to their disability, unless this can be justified.

11. The Access to Work scheme will cover 80% of the cost of any special equipment needed for an existing employee (100% if it's a new employee). The scheme can be contacted by applying online to <https://www.gov.uk/access-to-work> or by phone 0800 121 7479. If you need any special equipment because of your Keratoconus make sure your employer knows about the scheme. The web site is <https://www.gov.uk/access-to-work>.

12. Keep copies of all your communications with your employers, your eye-care clinic etc. In the event of a dispute, only written evidence is likely to carry any weight. Email is accepted as a written communication for legal purposes.

13. The GDPR (General Data Protection Regulation) came into force on 25 May 2018. Both employers and their employees have new responsibilities to consider to help ensure compliance. This gives you the legal right to see information that your employer keeps about you and to tell you to whom the information has been shown. This includes letters and emails to third parties.

14. A subject Access Request gives you the right to see information held by your employer. You might want to see documents such as the minutes of health and safety committees. The employer is entitled to make a reasonable charge for the provision of this information.

15. The Health and Safety Executive's web site is www.hse.gov.uk.

THANK YOU FOR TAKING THE TIME TO READ THIS LEAFLET, AND FOR YOUR SUPPORT.

Further information can be found at:- www.keratoconus-group.org.uk

Registered charity in England and Wales (1057629) and in Scotland (SC039552)