

## Reasonable adjustments

The duty to make reasonable adjustments imposes a positive obligation on employers to make changes to counter disadvantages faced by disabled employees in doing their jobs. *Roberts v North West Ambulance Service* reminds employers that the duty to make reasonable adjustments is not limited to making exceptions for disabled employees (i.e. saying that certain rules will not apply to them). Where a disabled employee is unable to carry out their job due a workplace rule, policy or practice, the employer must make all reasonable adjustments to allow that employee to return to work.

Mr Roberts was employed as a medical dispatcher. Employees worked on an overlapping shift system and were required to hot desk and take any available desk for work. Mr Roberts had been diagnosed with an anxiety disorder and he felt that his anxiety was exacerbated when he took desks in the middle of the room. He therefore asked if he could have a desk reserved for him in a less conspicuous location, next to the back wall of the office.

The employer agreed to the request and asked managers to ensure that a particular desk was reserved for Mr Roberts. In practice, this did not happen. It was then suggested that a 'reserved' sign would be placed on the desk but this was not practical as the desks were almost constantly in use. Mr Roberts or a supervisor were therefore often required to move employees who were working at the desk in question. Mr Roberts raised a claim of disability discrimination in respect of this and other issues.

The EAT held that while Mr Roberts was not required to comply with the hot desking system, he was still affected by the hot desking system as other employees would often be using his allocated desk at the beginning of shifts. It was arguable that the employer had failed to make reasonable adjustments to remove this problem and the case was sent back the Employment Tribunal to decide this issue. This case serves as a reminder that employers do need to review all policies and day to day workplace practices carefully when considering reasonable adjustments. It is also important that once an employer has decided that they can make an adjustment for a disabled employee, that adjustment is actually made on a day to day basis.

*Roberts v North West Ambulance Service* UKEAT/0085/11/RN

For further information, please contact:

**Jane Klauber**

Partner

+44 (0)20 8394 6483

Jane.Klauber@russell-cooke.co.uk

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