

## Disclosing an RSI – telling a potential employer

### Introduction

Looking for work is not an easy process. If you have an RSI, you may face additional problems to those faced by other job seekers. One issue is whether to tell an employer you have an RSI condition and at what stage it is best to disclose this information.

There are valid reasons both for and against disclosing that you have an RSI. As RSI can be a contentious term, if you have a particular condition you may prefer to call it by its real name e.g. carpal tunnel syndrome, tendinitis, or describe it specifically as arm pain, shoulder injury etc.

This factsheet is largely based upon disability employment information from Skill, but also draws on experience of careers counselling for people with an RSI. You can take further advice from careers services (local providers or private companies), your college or university if you are a student, or from the Disability Employment Adviser (DEA) at the local Jobcentre if you are unemployed.

### Reasons for disclosure

#### 1. Legal protection under The Disability Discrimination Act (DDA) 1995

By disclosing a disability, an applicant for a job, or an employee, is legally protected by the employment provisions of the DDA. These provisions provide legal protection to disabled people, and people who have been disabled. You are covered by the DDA if you have 'a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities'.

The DDA covers recurring and progressive conditions, past impairments, and conditions that would have a substantial adverse effect on the person's normal day-to-day activities if it were not for controlling treatment and medication. People with an RSI condition who do not consider themselves to be 'disabled' may therefore be protected by the DDA, because an RSI can be a progressive condition, as well as being controlled by medication and treatment.

Under the DDA, it is unlawful for an employer to unjustifiably treat a disabled applicant for a job, or an employee, less favourably. However, if an employee does not disclose a disability, an employer may be better able to justify less favourable treatment.

Employers must also consider making reasonable adjustments – this duty applies to all aspects of employment, including recruitment and selection. Adjustments include allocating some of the disabled person's duties to another person, altering the person's working hours and acquiring or modifying equipment to enable the employee to do the job. For example, if a job requires the person to type, the employer may need to consider an applicant who would use voice recognition software. Once a person is in post, the Access to Work scheme can assist employers to provide equipment or alter existing equipment.

If you feel you have been treated unfairly in the recruitment process you can ask, under the Data Protection Act (1998), to see the notes made about you by an employer. You may also wish to seek legal advice and make a complaint to an Employment Tribunal. This must be lodged within three months. The Employment Tribunal can:

- award damages
- say whether what happened to you was against the law
- recommend that the employer takes certain action (e.g. employs you, changes its policy etc)
- order the employer to pay compensation.

## **2. Employers who have equal opportunity policies/disability policies**

If an employer has an equal opportunities policy and/or disability policy, they should have a commitment to recruiting and employing people without prejudice. You can ask to view the company policy or ask what they do to ensure equal opportunities in their recruitment procedure. You may feel more comfortable disclosing your condition if the employer has stated that it does not discriminate. You might also prefer to disclose if you feel that the way they recruit will protect you from being disadvantaged, e.g. they state that they evaluate applicants solely against the person specification. If the organisation has a written policy, this will give you a basis for appeal if you feel you have been discriminated against.

## **3. Some employers are keen to employ disabled people**

Look out for the Employment Service 'two ticks' disability symbol on job adverts. This means the employer has made some commitment to employing disabled people. The 'two ticks' symbol also means you are guaranteed a job interview if you meet the minimum criteria of the person specification.

Look out for positive statements about disability or equal opportunities on job adverts and application forms. If an organisation advertises on certain websites or newspapers (eg Jobability, Disability Now) this indicates that they are actively looking to recruit disabled people and hopefully should understand the concept of making adjustments. In some cases, your RSI condition may even be viewed as an additional qualification.

## **4. You are able to describe your RSI condition in a positive light**

Your experiences may have provided you with skills that are useful in the workplace. You may have shown great flexibility and determination through coping with change, or developed your creativity by finding ingenious solutions to physical restrictions. Having been forced to think hard about your future, you may now feel drawn to working in a different field and can bring greater enthusiasm and commitment to your new chosen career. If you decide to disclose information regarding your health/disability when you are ready to do so, you will be more confident. If you are forced to explain at a later stage, it may be harder to explain the positive aspects of your experiences.

## **5. Many application forms or medical questionnaires for jobs ask direct questions about disability and health**

If you give false information about this, and an employer finds out the truth, you could risk losing your job. However, an employer should use statements about disability and health very carefully. If they use the information to discriminate against you, you may have legal protection under the DDA. Remember that an employer also has a duty to consider making reasonable adjustments.

## **6. If your RSI condition has any implications for the health and safety of yourself or your colleagues, you are obliged to inform your employer under the Health and Safety at Work Act (1974)**

If an accident happens as a result of a disability, and you have not told your employer about it, you as an employee could be judged legally responsible (although prosecutions are rare).

## **7. You can get help through the Employment Service Access to Work Scheme**

Employers can get free advice on adaptations to the workplace for a disabled employee or applicant from the Disability Employment Adviser (DEA) at the local Jobcentre. You may also get funding from the Access to Work scheme via the Disability Employment Adviser. Access to Work may help to fund specialist equipment e.g. voice-activated software or a special ergonomic chair. You should always point this out to employers if they are worried about how much it will cost to employ you.

## **8. You may be in a better position of trust if you give full details of your disability to your employer and line manager**

A working relationship is often better when both people involved feel they can be open about issues that are relevant to the job.

## **9. You need to explain aspects of your CV**

Your RSI condition might account for aspects of your CV that otherwise could count against your application, e.g. a gap in your educational history or career due to a period of sickness or rehabilitation. If you are changing jobs and had a period of sickness absence in your previous job, this may be evident in a reference request, or there may be a question about this on the application form.

## **Reasons against disclosure**

### **1. Your RSI condition may have no effect on your ability to do the job**

You may feel that your condition is not relevant to the job or the application, particularly if you will not require any adjustments.

### **2. You may be discriminated against or rejected by employers with pre-set ideas about RSI**

You may feel that today's competitive jobs market means that employers will look no further than your condition and not look at your abilities. You may feel that an employer will automatically see you as a problem and possibly a potential expense.

### **3. You may feel that it will give the employer the chance to label you by your RSI condition**

You may feel that an employer will see your RSI as the most important thing about you or make assumptions about you on the basis of your condition.

### **4. You may not want to discuss your health problems**

You may feel that the application process does not allow the time or space for someone who does not know you to get an accurate understanding of your condition, or that it is just not his or her business.

## **Timing a disclosure and what to say**

If you decide to tell potential employers that you have an RSI condition, the next decisions are when in the application process to mention it and what you should say.

### **On the application form**

Some application forms ask direct questions about disability, so you can give all the details that you feel are important at this point. You may also want to give additional information to explain why you feel you are suitable for the job. Your RSI condition, and your subsequent life experiences, may have increased your ability to do the job.

If an employer has implemented the two ticks symbol (see page 2), they need to ask if you have a disability to implement the requirements under this system, e.g. offering you a guaranteed interview scheme if you meet the minimum criteria of the job specification.

### **On medical questionnaires**

You may be asked direct questions about disability and health on a medical questionnaire. Whether you will need to fill one out, and at what stage you do this, depends on the type of job. You will have to answer honestly, if there are continuing health implications, you will need to enter this on the form. The employer should not use this information to decide not to recruit you without first raising any concerns they have with you, as this may be discrimination on the grounds of disability under the DDA.

### **On equal opportunities monitoring forms**

Most employers have an equal opportunities monitoring form. This is to evaluate whether the range of job applicants reflects the mix of people in society. Equal opportunities forms should not be used to judge your suitability and should be separated from the main application form at an early stage (this is usually stated on the form). The people who draw up the list of candidates for interview should only judge the applicants on the basis of their skills and work experience.

### **In a covering letter**

If you are applying for a job by CV you could mention your RSI condition in a covering letter, especially if you have subsequently developed skills that enhance your ability to do the job and you can present your experiences in a positive light.

### **Before going for an interview**

If you are short listed and need practical support, such as adaptations to perform an ability or aptitude test, the employer should have asked what adjustments you require. If not, then you should contact the employer to arrange this. It is much easier for employers to respond to your needs if they can prepare in advance. With adjustments in place, you will be able to show your true ability and potential. You will also feel more relaxed if you know the right support is available.

### **At the interview**

It may surprise the employer if you have come this far in the application process and not said that you have an RSI condition (even if it has no effect on your ability to do the job). They may ask irrelevant questions about your condition that you could have simply explained in the application form. This time should be spent explaining your suitability for the job, so do not allow the interview to dwell on your RSI condition, especially the negative aspects. Most people are uneasy discussing personal matters in an interview, but you can exercise some control over the situation by how you describe your condition, the effect it has had on your life, and any workplace adjustments that have helped.

### **Some key things to remember:**

- Do not assume that an employer will view your RSI condition in a negative way.
- Always make your application on the basis of what you want to do. Then you can start thinking about the support you might need, if any.

- If you time the disclosure of your condition, you have more control over the way it is seen by an employer.
- Think about what your RSI condition has taught you. What skills can be transferred into the workplace?

## **Further sources of information and advice**

### **RSI Association**

380-384 Harrow Road, London W9 2HU

Helpline: 0800 018 5012

Tel: 020 7266 2000

Fax: 020 7266 4114

Email: [info@rsi.org.uk](mailto:info@rsi.org.uk)

Website: <http://www.rsi.org.uk/>

Services include a Helpline, factsheets, newsletter subscription and conferences.

### **Disability Now (published by Scope)**

6 Market Road, London N7 9PW

Tel: 020 7619 7323

Fax: 020 7619 7331

Minicom: 020 7619 7332.

Website: [www.disabilitynow.org.uk](http://www.disabilitynow.org.uk)

Disability newspaper with articles and which advertises jobs (official ABC audited circulation figure, 24,526 with an estimated readership of 70,000).

### **Jobability**

<http://www.jobability.com>

Website that advertises jobs for disabled people.

### **Jobcentre Plus Disability Service Teams**

The Disability Employment Adviser (DEA), as part of the Disability Services Team (DST) gives help and advice to disabled people looking for work. The DST also coordinates the government's Access to Work programme which provides financial assistance towards the possible extra costs of employing someone with a disability. The DEA or DST can be contacted through your local Jobcentre.

### **Skill: The National Bureau for Students with Disabilities**

Chapter House, 18-20 Crucifix Lane, London, SE1 3JW

Voice/text: 020 7450 0620

Fax: 020 7450 0650

E-mail: [skill@skill.org.uk](mailto:skill@skill.org.uk)

Website: [www.skill.org.uk](http://www.skill.org.uk)

Gives information and advice to students and jobseekers. Publishes a newsletter and advertises jobs on their website.