

**Redundancy:** You can't be chosen for redundancy just because you have an immunodeficiency. The selection process for redundancy must be fair and balanced for all employees.

Some employers may use sickness records as one of the factors when deciding who to make redundant from a group of employees. If they choose to use sickness absence as a selection criterion for redundancy, then they should not count any absence linked to your disability.

**Covid-19:** Infection with Covid-19 is of special concern for people with an immunodeficiency. All employers need to be Covid aware and have measures in place to reduce the risk of transmission in the work place. These measures may include enhanced cleaning, provision of hand sanitisers, increased ventilation, the wearing of face masks and regular lateral flow testing of employees.

More information is available at [www.acas.org.uk/coronavirus](http://www.acas.org.uk/coronavirus)

**For more information on employment rights, please visit:**

- [www.gov.uk/rights-disabled-person](http://www.gov.uk/rights-disabled-person)
- [www.hse.gov.uk/sicknessabsence](http://www.hse.gov.uk/sicknessabsence)
- [www.gov.uk/redundant-your-rights](http://www.gov.uk/redundant-your-rights)
- [www.gov.uk/dismissal](http://www.gov.uk/dismissal)

Citizens Advice can also provide valuable information and support. See [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) for online help and details of your local office.

## About Immunodeficiency UK

Immunodeficiency UK is a national organisation supporting individuals and families affected by primary and secondary immunodeficiency.

We are the UK national member of the International Patient Organisation for Primary Immunodeficiencies (IPOPI), an association of national patient organisations dedicated to improving awareness, access to early diagnosis and optimal treatments for patients worldwide.

Our website at [www.immunodeficiencyuk.org](http://www.immunodeficiencyuk.org) provides useful information on a range of conditions and topics, and explains the work we do to ensure the voice of primary and secondary immunodeficiency patients is heard.

If we can be of any help, please contact us at [hello@immunodeficiencyuk.org](mailto:hello@immunodeficiencyuk.org) or on **0800 987 8986**, where you can leave a message. Visit [www.immunodeficiencyuk.org](http://www.immunodeficiencyuk.org) for further information.

Support us by becoming a member of Immunodeficiency UK. It's free and easy to do via our website at [www.immunodeficiencyuk.org/register/](http://www.immunodeficiencyuk.org/register/) or just get in touch with us. Members get monthly newsletters.

Immunodeficiency UK is reliant on voluntary donations. To make a donation, please go to [www.immunodeficiencyuk.org/donate](http://www.immunodeficiencyuk.org/donate)

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Supporting families affected by primary and secondary immunodeficiency

## Employment rights

# Your employment rights

This leaflet gives information about your employment rights when you have an immunodeficiency.

[www.immunodeficiencyuk.org](http://www.immunodeficiencyuk.org)  
[hello@immunodeficiencyuk.org](mailto:hello@immunodeficiencyuk.org)  
0800 987 8986



Supporting families affected by primary and secondary immunodeficiency

**If you have an immunodeficiency, then you are automatically covered by the definition of disability under the Equality Act 2010. It is against the law for employers to discriminate against you (directly or indirectly) because of a disability. This includes in areas such as recruitment, pay, redundancy and dismissal.**

For more information, please see [www.disabilityrightsuk.org/equality-act-and-disabled-people](http://www.disabilityrightsuk.org/equality-act-and-disabled-people)

**Recruitment:** If you are not asked directly (e.g. on an application form) and you would prefer not to tell your employer about your immunodeficiency, then that is totally up to you. However, if you think you might need reasonable adjustments to be made or some support to enable you to attend medical appointments, then it is often best to be open and honest with your employer.

If your employer asks you directly, either at the application stage or afterwards, then you need to be open and honest about your condition and its potential impact on your work and/or attendance. Your employer cannot discriminate against you for having a health condition/disability, but may need to know and understand your circumstances so that they can consider any reasonable adjustments you may need.

**Medical examinations:** Some jobs may require you to have a routine medical after a formal offer of employment. Don't be concerned about this. Your employer should work with you to ensure **reasonable adjustments** are made for you in your future role. Your employer should do this on a case-by-case basis.

Reasonable adjustments are changes made to avoid you being put at a disadvantage compared with non-disabled people in the workplace. The key word is 'reasonable', so the following adjustments may be made depending on your role in the company.

- Changing your working hours to fit around your treatment
- Helping with transport to and from work
- Allowing you to have extra breaks during the working day (these may be paid or unpaid at your employer's discretion)
- Allowing you to work from home for all or some of the week, if your role is suited to this arrangement.

**Medical appointments:** People with immunodeficiency have no right to paid time off to attend medical appointments. However, being allowed the time off, whether it is paid or unpaid, is seen as a reasonable adjustment.

**Home therapy:** If you need home therapy and it occurs regularly during the working week, then it is best to request a permanent change to your working hours. If, for circumstances beyond your control, you have to infuse during the working week and can show that you are not able to infuse at any other time, then this ad-hoc request should be seen as a reasonable adjustment for your employer to make.

**Working from home:** If you are able to carry out your work to the same standard from home, then this may potentially be a reasonable adjustment for your employer to make. However, for many jobs this is not possible, so you may want to discuss other adjustments with your employer, such as reducing your hours or changing your commuting time.

**Flexible working:** Flexible working is a way of working that suits an employee's needs. It can include having flexible start and finish times, or working from home. Flexible working rules are different in Northern Ireland.

All employees have the legal right to request flexible working, not just parents and carers. This is known as 'making a statutory application'. Employees must have worked for the same employer for at least 26 weeks to be eligible.

See [www.gov.uk/flexible-working](http://www.gov.uk/flexible-working) for more information.

**Sickness absence:** If your employer is considering disciplinary action or even dismissal relating to the amount of absence you have taken, then you should remind them that any absence relating to your disability (medical condition) needs to be treated separately from other absence.

If your company's general policy is that after three episodes of absence you are given a written warning, then this should not normally apply in your case. This is because owing to the nature of immune deficiency disorders, you are likely to have more sickness absence than average. As this sickness absence is caused by your disability, it should not be counted in the same way. An employer may be directly discriminating against you if they decide to dismiss you because of the amount of sickness absence you have taken owing to your disability.

