



# Employment and HS

Fighting for people affected by  
Hidradenitis Suppurativa



## What is the purpose of this leaflet?

This leaflet has been produced to give general advice to Hidradenitis Suppurativa (HS) patients who are facing uncertainties in regards to their employment rights, and the obligations of their employers towards people with chronic illnesses and disabilities.

## Can HS affect work?

Having HS can affect your ability to work. However the level of impact on your work will greatly depend on the severity of the condition, and the type of work that you do.

The impact on your ability to work can vary, from taking a day or two off for hospital appointments, to being off for weeks or months if undergoing surgery, or experiencing more serious flares. Whatever the amount of leave you require, it is always important to communicate and be open with your employer.

If you are not currently in employment, and are seeking a new career, you may be limited to which jobs you can apply for, depending on your experience, qualifications and skills. However, it is always best to take into consideration what tasks you can and cannot do physically, to ensure that you don't put yourself into situations that may exacerbate the condition further.

If you require assistance in finding work, you can contact your local Jobcentre Plus office, who have

Disability Employment Advisers (DEAs), who can help to find suitable work for people with health issues.

There are 2 main laws designed to protect employees within the workplace, these are the Health and Safety at Work Act 1974, and the Equality Act 2010.

## Health and Safety at Work

The Health and Safety at Work Act 1974 is the primary piece of legislation covering health and safety in the workplace. This piece of legislation lays out the employer's responsibilities for health and safety. Employers have a 'duty of care' over the health, safety and welfare of their staff in the workplace.

Employers also have responsibilities under the Health and Safety at Work Act to protect employees, after they return to work, if they have become more vulnerable to risk because of illness, injury or disability.

## Equality Act

The Equality Act came into force from October 2010 providing a modern, single legal framework with a clear, streamlined law to more effectively tackle disadvantage and discrimination. It replaced nine previous laws that were in place to protect employees from discrimination, including the Disability Discrimination Act 1995.

There are nine protected characteristics in the Equality Act. Discrimination which happens because of one or more of these characteristics is unlawful under the Act. We all have some of these characteristics - for

example, sex or age - so the Act protects everyone from discrimination.

If you're treated unfairly because someone thinks you belong to a group of people with protected characteristics, this is also unlawful discrimination.

## Disability Discrimination

Disability discrimination at work

It is against the law for an employer:

- To treat you less favourably because you are disabled, than someone without a disability would be treated in the same circumstances. This is called direct discrimination.
- To discriminate against you because of your connection with someone else who is disabled, for example, your partner or child. This is called discrimination by association.
- To discriminate against you indirectly, for example by requiring something which applies to all your colleagues but which is much more difficult for you and for disabled people to meet.
- To treat you unfavourably because of something connected with your disability.
- Not to make reasonable adjustments to the workplace to allow you to work or to continue to work.

- To harass you if you are disabled, for example, by making jokes about your disability.

Employers can treat disabled people less favourably only if they have a sufficiently justifiable reason for doing so, and only if the problem cannot be overcome by making 'reasonable adjustments'.

For example, an employer would be justified in rejecting someone with severe back pain for a job as a carpet fitter, as they cannot carry out the essential requirements of the job.

## Definition of Disability

You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

### What does 'substantial' and 'long-term' mean?

#### **Substantial:**

A substantial effect is one that is more than a minor or trivial effect, meaning that it is difficult or time-consuming to do normal day-to-day activities, compared to someone without a disability.

If a patient experiences minor effects when carrying out a number of different activities, taken together, this could also result in an overall substantial adverse effect.

HS can have a substantial effect on the day-to-day life of a patient, with studies showing more physical impairment than those found in patients with several other dermatological conditions traditionally regarded as causing significant disability<sup>(1)</sup>.

### **Long-term:**

A long-term effect of an impairment is one:

- Which has lasted at least 12 months; or,
- Where the total period for which it lasts, from the time of the first onset, is likely to be at least 12 months; or,
- Which is likely to last for the rest of the life of the person affected.

The Equality Act 2010 states that, if an impairment has had a substantial adverse effect on a person's ability to carry out normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur. (In deciding whether a person has had a disability in the past, the question is whether a substantial adverse effect has in fact recurred.)

Conditions with effects which recur only sporadically or for short periods can still qualify as impairments for the purposes of the Act, in respect of the meaning of 'long-term'. There is currently no cure, and no specific effective treatment for HS. Therefore HS is a long-term, life-long condition that requires constant disease management. In many cases, the condition will continue to recur throughout treatment.

# Work Place Adjustments

Equality law recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker or job applicant.

The duty to make reasonable adjustments aims to make sure that as a disabled person, you have, as far as is reasonable, the same access to everything that is involved in getting and doing a job as a non-disabled person. Examples of how your employer can make reasonable adjustments to your work can include:

- Making physical changes, such as installing ramps, grab handles, etc. Or changing your working location, such as work from home, or moving to a ground floor office.
- Changes to working hours. For example offering flexi-hours or part-time hours. If you have been employed for more than 26 weeks, you or your caregiver may have the “*right to request*” flexible working hours.

In particular, if you are a disabled person, the need to make adjustments for you as a worker or job applicant:

- Must not be a reason not to promote you if you are the best person for the job with the adjustments in place.
- Must not be a reason to dismiss you.

# Do I have to tell my employer about my condition?

You are not obliged to inform your employer that you suffer from HS, however it may be helpful to you if you choose to.

Under the Health and Safety at Work act 1974, your employer will need to know if their employees have any medical conditions that could affect their work, in order to keep them safe in the workplace. Unless you inform them of any medical conditions that may affect your health and safety at work, you cannot hold them responsible for anything that occurs in the workplace as a result of your condition.

You should not be worried about your employer treating you unfairly at work if you inform them of your condition, as the Equality Act 2010 protects you from such discrimination.

Your employer may also be able to make reasonable adjustments in the workplace, but can only do this if you discuss the condition and your requirements with them first.

If you have any doubts about explaining HS to your employer, or when applying for a new job, you could ask your GP or consultant to write a letter of explanation for you to give to your employer. The HS Trust also produce a range of helpful literature that you may wish to give to them.

## Help if you are unable to work

If you cannot work because you are sick or disabled, whether temporarily or permanently, you may be able to claim Statutory Sick Pay (SSP) or Employment and Support Allowance (ESA). Usually, SSP is paid for the first 28 weeks of sickness if you work for an employer. Otherwise, you should claim ESA. In some cases, you can get Income Support on top of SSP, depending on your circumstances and income.

SSP and ESA are intended to provide an income in place of your earnings when you cannot work. If you are able to do some work, you will not usually be able to claim these benefits. However, you may be able to do some work if your earnings are not more than a set limit.

You can also do voluntary work or approved work on an unpaid trial basis. You must get the agreement of the Department for Work and Pensions for any work you do when you are getting these benefits.

If you want to do any work while claiming benefit because you have limited capacity for work, you should consult an experienced adviser, for example, a Citizens Advice Bureau (CAB).

If you are required to travel to an appointment, and are having difficulties with the extra costs of doing so, you may be able to claim a refund under the 'Healthcare Travel Costs Scheme' (HTCS) of the cost of travelling to hospital or other NHS premises for NHS-funded treatment or diagnostic test arranged by a doctor.

To qualify for help with travel costs under the HTCS, you must meet three conditions:

1. At the time of your appointment, you or your partner (including civil partners) must be receiving one of the qualifying benefits or allowances, or meet the eligibility criteria of the NHS Low Income Scheme.
2. Your journey must be made to receive NHS-funded non-primary medical or non-primary dental care services, to which you have been referred to by a GP or hospital consultant.
3. For referrals made by a primary practitioner such as a GP, the service must be provided on a different day and in premises other than those occupied by the practitioner who made the referral.

You or your partner (including Civil partners) should also be in receipt of one of the following:

- Income Support,
- Income-based Jobseeker's Allowance,
- Income-related Employment and Support Allowance
- Pension Credit Guarantee Credit, or you are named on, or entitled to (use your award notice as evidence), a NHS tax credit exemption certificate, or
- You have a low income and are named on certificate HC2 (full help) or HC3 (limited help).
- You are awarded Universal Credit

In order to obtain a refund, you should take your travel receipts, appointment letter or card and proof that you are receiving one of the qualifying benefits to a nominated cashier's office.

# Helpful Links

## **The Hidradenitis Suppurativa Trust**

Unit 6

Fort Horsted

Chatham

Kent

ME4 6HZ

[www.hstrust.org](http://www.hstrust.org)

[www.facebook.com/TheHidradenitisSuppurativaTrust](https://www.facebook.com/TheHidradenitisSuppurativaTrust)

[www.facebook.com/groups/hstrust](https://www.facebook.com/groups/hstrust)

[www.twitter.com/Hidradenitis](https://www.twitter.com/Hidradenitis)

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## **Health and Safety Executive**

Guidance on health and safety legislation

[www.hse.gov.uk](http://www.hse.gov.uk)

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## **Citizens Advice**

We provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities. We value diversity, promote equality and challenge discrimination. [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

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## **Disability Employment Advisers**

Located at your local Jobcentre Plus office, they can provide support for people with disabilities, and may help you get back into work.

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## **Disability information and advice lines (DIAL)**

DIAL information and advice services are based throughout England and Wales. They provide information and advice to disabled people and others on all aspects of living with disability

0808 800 3333, weekdays 9am to 5pm.

[www.scope.org.uk](http://www.scope.org.uk)



# The Hidradenitis Suppurativa Trust

Raising the profile of Hidradenitis Suppurativa in terms of its impact on physical, psychological and social wellbeing.

The Hidradenitis Suppurativa Trust is a publicly funded charity, providing reliable information and support to both patients and professionals.

[www.hstrust.org](http://www.hstrust.org)