

Considering if someone's disabled

In some cases it may not be obvious whether someone is [considered to have a disability by law](#). In most situations, it's best to look at how someone's condition or impairment affects them, rather than what the condition or impairment is.

It's important for the employer and the person with the condition or impairment to talk to each other. Do not make any assumptions.

Things to consider

It's important to understand that:

- most disabled people were not born with their disability
- anyone could become disabled at any stage of their working life
- some disabilities are not obvious to others – often called non-visible, invisible or hidden disabilities
- not everyone who's protected by discrimination law (Equality Act 2010) will consider themselves to be disabled

For someone to be classed as having a disability, it does not matter:

- whether the impairment is physical or mental
- what caused the impairment
- if the impairment does not affect them all the time or it changes at different times
- if they have not had a medical diagnosis – as long as they can still show a substantial and long-term adverse effect on their ability to carry out day-to-day activities

The law says to discount the effects of any medication, aids or treatment when considering whether someone has a disability. The exception to this is wearing glasses or contact lenses.

Employers should not try to diagnose someone – only a medical professional can do that. The employer should focus on the support they can provide and encourage the person to ask for any adjustments they need.

If an employer does not agree someone has a disability

If an employer feels that someone's condition or impairment does not meet the definition of a disability, they should:

- not make assumptions
- listen to the person when they talk about the effect it has on their normal day-to-day activities – this may include what would happen if they stopped any medication or treatment
- consider any medical advice, for example an occupational health report or a medical report from the employee's doctor – employers must get permission from the employee to access these
- focus on supporting the person – this could include making [reasonable adjustments](#)

If someone does not tell their employer they're disabled

Nobody has to tell their employer – or potential employer – that they're disabled or might have a disability.

Reasons for not saying anything could include:

- they do not realise their condition is a disability
- they do not think of themselves as disabled
- they're worried about how their employer might react
- they do not want anyone to know

Employees are still protected from discrimination if their employer could reasonably be expected to know they have a disability.

If an employer believes someone might have a disability, they should take all reasonable steps to find out more about the support they might need. What is reasonable depends on the circumstances.

Things that might be reasonable include:

- talking to the employee privately to ask if there's any support they need
- asking the employee if they would agree to see an occupational health adviser
- assuring the employee that anything they tell them will be dealt with confidentially

This does not mean asking intrusive questions. An employer should not try to diagnose someone – only a medical professional can do that.

[Read examples of when someone might have a disability](#)

Get more advice and support

Find out more about:

- [talking about disability at work](#)
- [occupational health](#)
- [getting a doctor's report about an employee's health](#)

If you have any questions about what disability means by law, you can [contact the Acas helpline](#).

Related content

[Disability discrimination](#)