

## What disability means by law

### 1 . Definition of disability

The law (Equality Act 2010) sets out when someone is considered to have a disability and is protected from disability discrimination.

### What's automatically classed as a disability

People with these conditions and impairments are automatically protected under disability discrimination law:

- cancer
- an HIV infection
- multiple sclerosis (MS)
- a visual impairment – if someone is certified as blind, severely sight impaired, sight impaired or partially sighted

### Progressive conditions

A progressive condition gets worse over time. Examples include Alzheimer's disease, motor neurone disease, muscular dystrophy and Parkinson's.

Someone with a progressive condition is considered by law to have a disability as soon as it starts to have an effect on their normal day-to-day activities, as long as this is likely to be long-term. The effect does not have to be substantial as long as it's likely to become substantial in the future.

### The main definition of disability

The law says someone is disabled if both of these apply:

- they have a 'physical or mental impairment'
- the impairment 'has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'

People with progressive conditions, and conditions or impairments that are automatically classed as a disability, are also protected by law.

### What these terms mean

Someone has an 'impairment' if any of their physical or mental abilities are reduced in some way. It could be because of an illness or medical condition but it does not have to be.

A 'substantial adverse effect' means more than just a minor impact on someone's life or how they can do certain things. This may fluctuate or change and may not happen all the time.

'Long-term' means either:

- it will affect them or is likely to affect them for at least 12 months
- it's likely to last for the rest of their life

It can still be considered long-term if the effects come and go. For example, a fluctuating condition might affect someone for a few months at a time with other times when they're not affected.

'Normal day-to-day activities' include things people do in their home and social life. It also includes things that let people participate fully in their working life.

For example:

- communicating with other people
- driving
- filling in forms
- following instructions
- getting washed and dressed
- going to the shops
- preparing and eating food
- sitting down or standing up
- using a computer
- writing

## Past disability

The Equality Act 2010 also protects people who are no longer disabled but had a disability in the past.

## Other conditions or impairments

It's not possible to give an exhaustive list of all conditions or impairments that might be classed as a disability. 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.

However, these are some examples people often ask about.

### Disfigurement

Severe disfigurement will usually be considered by law to have a substantial adverse effect on someone's ability to carry out normal day-to-day activities. This means that severe disfigurement is usually considered to be a disability.

The law says that there is no need for someone with a severe disfigurement to show the effect their disfigurement has on them.

Other less severe disfigurements to someone's face or body might not have a substantial effect on someone's day-to-day activities so might not be considered a disability.

### Long covid

Long covid is still a new illness and it may take time to understand it fully. It can affect a person's day-to-day activities and it's currently understood that it can last or come and go for several months, even years. The effects of long covid could also cause other impairments.

[Find out more about whether long covid is treated as a disability](#)

## Menopause

For some people, the menopause can cause severe physical or mental health symptoms that have a long-term and substantial adverse effect on carrying out normal day-to-day activities.

For example, someone could experience severe depression over a number of years because of the menopause and this could affect their ability to work. This could be considered a disability under discrimination law.

[Find out more about the menopause and work](#)

## Mental health

For some people, poor mental health can have a substantial adverse effect on their ability to carry out normal day-to-day activities. This could be considered to be a disability under discrimination law, even if someone does not have symptoms all the time.

[Find out more about mental health and the law](#)

## Neurodiversity including ADHD, autism, dyslexia and dyspraxia

ADHD (attention deficit hyperactivity disorder), autism, dyslexia and dyspraxia are forms of neurodivergence – there are others too.

Being neurodivergent will often amount to a disability under the Equality Act 2010, even if the person does not consider themselves to be disabled.

[Find out more about neurodiversity at work](#)

## Get more advice and support

For more detailed guidance on the definition of disability, read [Equality Act 2010 guidance on GOV.UK](#).

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

## 2. 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](#)

### 3. Disability examples

These examples are based on the legal definition of disability. Find out more about [what disability means by law \(Equality Act 2010\)](#).

#### Example 1 – a condition that gets worse over time

Chris has asthma. It's mild and it does not often affect their day-to-day activities. At this point, it's likely that Chris does not have a disability.

Over time, Chris's asthma gets worse. It starts to have a significant impact on their day-to-day activities. If this goes on for 12 months, or it's likely to, then Chris probably has a disability.

#### Example 2 – having more than one condition

Val has arthritis and sciatica. Each condition on its own is not very severe for Val at the moment. But the impact of the two conditions together significantly affects Val's ability to carry out day-to-day tasks. It's likely that Val has a disability.

#### Example 3 – cancer

Eli has prostate cancer. The cancer is at an early stage and it is not having any effect on day-to-day activities. Eli is still protected by discrimination law because cancer is automatically classed as a disability under the Equality Act 2010.

#### Example 4 – when someone has not been diagnosed

Ari has been struggling with day-to-day tasks since a close friend died more than 12 months ago. They are often not able to do things like getting dressed, cooking and talking to people. It's been having a significant effect on their work and they often have days off sick.

Ari has not been diagnosed with a mental health condition like depression but they are showing signs of having poor mental health. Ari could have a disability if it's having a long-term and substantial adverse effect on their ability to carry out day-to-day activities.

This is an example of where an employer might reasonably be expected to know that Ari could have a disability.

The employer should not try to diagnose Ari – only a medical professional can do that. The employer should focus on supporting Ari and encourage them to ask for any adjustments they need.

### Get more advice and support

[Find out more about supporting disabled people at work](#)

If you have any questions about disability and work, you can [contact the Acas helpline](#).

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