



The rights of people with ME at work

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Introduction

Your employer's legal responsibilities to you as an employee with ME include:

- standard obligations under your contract of employment
- duties under the Equality Act 2010
- responsibilities under the Health & Safety at Work Act 1974
- duties under the Flexible working Act 2024.

This information given here is offered as a general guide and does not constitute an authoritative description of the law, nor should it replace seeking professional legal advice when appropriate.

Equality Act 2010

The Equality Act 2010 is a piece of legislation promoting equality and seeking to prevent discrimination on the grounds of any of the nine "protected characteristics" categorised as age, disability, gender reassignment, marriage/ civil partnership, pregnancy/maternity, race, religion/belief, sex and sexual orientation.

The Act defines disability as "a physical or mental impairment that has a substantial and long-term adverse effect on the ability of an employee to carry out normal day-to-day activities."

"Substantial" means more than minor or trivial and "impairment" can include long-term medical conditions and fluctuating or progressive conditions.

ME is a fluctuating long-term condition which can have a substantial impact upon a person's ability to attend work and perform their job.

The Office for Disability Issues publishes guidance on matters to be considered in determining questions relating to the definition of disability under the Equality Act 2010.

It lists ME and CFS as conditions which could meet this definition.

It is important to note, however, that while you, your employer, or a medical or legal professional may have a view as to whether you are likely to be considered a disabled person with rights under the Equality Act 2010, only a court of law can pass a judgement which determines your rights and protection under the Act.

What does this mean for you?

The Act seeks to protect disabled employees from discrimination, harassment and victimisation (bad treatment of a disabled employee because they have complained about discrimination or harassment) and to do this.

It makes it unlawful, except in certain special circumstances, for employers to ask about a job candidate's health before offering them work.

It also places a duty on employers to make reasonable adjustments to help staff overcome disadvantage resulting from a long-term health condition or impairment.

Our [‘The rights of people with ME at work’ resource](#) has lots of useful information on this topic.

The Equality Act states that it is unlawful to directly treat a disabled person unfavourably because of something connected with their health condition, e.g. taking away a job offer because you say that you have ME.

The [Equality Advisory and Support Service helpline](#) can advise and assist on issues relating to equality and human rights, across England, Scotland and Wales.

How does the Equality Act 2010 help protect me?

The Act cannot prevent an employer from treating you unfavourably in the first instance.

But if you believe that you have been discriminated against, harassed or victimised on the grounds of being a disabled person, you can bring a legal claim against the employer to a tribunal court.

This means that you can seek recompense for being treated unfavourably and the court can even overturn decisions made by an employer, such as an unfair dismissal from a job.

It also means that you can assert your rights under the Act to encourage an employer to change how they are treating you.

By describing or pointing towards your rights as a disabled person under the Equality Act 2010, you can make it clear to an employer that they have a legal duty towards you.

Many employers are aware that they have a duty under the Act but may not know exactly how it applies to you in your current circumstances.

If you believe that you may be being treated unlawfully and can make your employer aware of your rights and their duties, then you may be able to help change their approach towards you.

The Health and Safety Work Act 1974

This piece of legislation essentially requires employers (of any size) to take practical steps to prevent accidents or harm to employees.

What exactly is required of an employer will depend on their size and the nature of the business.

This Act, along with the Management of Health and Safety at Work Regulations 1999, places a legal responsibility upon employers to minimise the risk of stress-related illness or injury to employees.

This means that work-related stress is viewed seriously in the eyes of the law and that employers are expected to respond appropriately when employees raise issues and concerns relating to feelings of stress or other symptoms which may be exacerbated by stress.

Flexible Working Act 2024

The Employment Relations (Flexible Working) Act 2024 gives employees more rights to request flexible working arrangements.

It means that employees can:

- request flexible working from their first day of employment (previously they would have to have been in their current role for 26 weeks)
- make up to two requests in a 12-month period (up from one previously)
- request flexible working for any reason, not just if they are a parent or carer.

Employers must respond to requests within two months (down from 3 months previously), deal with requests in a reasonable manner, and consult with employees before refusing a request.

Rights of carers

The Work and Families Act 2006, Employment Rights Act 1996 and Equality Act 2010 support carers' rights to:

- take a reasonable amount of time off to deal with emergencies and make further arrangements in the case of a dependent person with ME
- not be treated unfavourably because of their relationship with a person with ME (known as discrimination by association).

The Carer's Leave Act 2024 covers employees in England, Wales and Scotland:

- Employees are entitled to one week's unpaid leave per year if providing or arranging care for someone with a long-term care need.
- This leave can be taken flexibly (in half or full days) for planned and foreseen caring commitments.
- It is available from the first day of employment.
- It provides the same employment protections to employees as other forms of family-related leave, including protection from dismissal.

Carers UK [offers information and guidance](#) on this, and other topics related to caring.



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