

## **Telling your employer about your heart condition**

People sometimes ask us about their heart condition and employment, and how they should approach informing their employer. This is an understandable concern, as many are worried that their employer may treat them differently if they provide information about their health.

If this is a concern of yours, read on for some guidance.

### **Do I need to declare my heart condition to my employer?**

The following examples will help explain:

1. An office job etc that quite sedentary:

There is nothing about the *work* itself which causes me concern that my heart condition will be an issue performing my job. I see no reason to inform my employer about my heart condition. They don't need to know, my condition is managed well and it does not affect me. The employer has no legal right to know about it.

If your employer gives you a form to declare health conditions after you start, you can write on the form 'heart condition, managed, does not affect work', or you can leave it blank because you know it won't affect your work and isn't relevant for this job. You have not broken the law by not disclosing your health on the form.

The only exception to this is if you are going on a work trip abroad and for insurance purposes etc you might need to complete a health questionnaire.

2. A job with physical lifting eg moving furniture etc

This job is slightly more physical and although a benefit of it is that it involves more movement and exercise, the *work* itself may mean your heart condition is relevant – perhaps you are working a longer shift than usual and you need a mid afternoon break, or maybe want to avoid being required to do a lot of overtime. Your heart condition may be relevant to how you are able to perform this role, so there would be a reason to inform an employer about it. Although your condition is managed well, because it is relevant, you should declare it.

When should you declare it? Prior to a job offer you may be worried about it affecting their decision, but if you know you can manage it very well in line with performing the role then you could wait until after an offer is made.

You could declare it yourself without being asked, but there is not a blanket legal requirement to declare your heart condition without being asked. If the employer does ask you directly about your health on a form, and it is an occupationally relevant factor (think along lines of diving instructor / crane operator etc) then you should disclose your heart condition because it may be relevant and you will want to be honest about your relevant limitations you might have relating to the role.

You can also write on the form how well you manage your heart condition. The employer should be told about your heart condition because it is relevant for these types of job.

You can disclose your heart condition before starting the first day of work, or after being offered the job. If the employer does not ask you, then there is nothing stopping you at any time from declaring it after you are offered the job.

**Are you breaking the law if you don't declare a health condition right away at interview?**

NO, because you at the interview you are finding out information about the job and assessing whether it the job is right for you and whether your health condition is relevant.

You will then declare your health condition, if it is relevant, at the right time as recommended here. Because your heart condition is relevant to a more physically demanding type of work, it is something you may want to declare. If you don't declare your health condition for a physically demanding safety critical job then this may put you in breach of your responsibility to your work colleagues. However, this situation is rare and it is difficult to provide a strict rule to apply in all situations. If in doubt, please get in touch via [info@sfhearts.org.uk](mailto:info@sfhearts.org.uk) and we will put you in touch with our employment lawyer who can provide a free consultation for you to get some advice.

A lot of workers with various different types of health condition do not tell their employer. Their decision will depend on how much they trust their employer not to discriminate against them in their work.

Most employers are absolutely fine about understanding worker's heart conditions. The biggest factor affecting the working relationship is usually a worker's approach to the work, and their general work competence. There are of course some bad employers out there, but most employers are understanding about employee's health needs and limitations.

**What do I do if I am starting to struggle at work eg. if the hours are too demanding or a physical role is becoming too difficult?**

You can ask for the employer to make reasonable adjustments to your role.

**You should ask yourself is there a process at work I have to do, or a practice of performing the job that the employer requires me to do, which could be adjusted to make it easier for me?**

If the answer is yes, then you can ask for it to be adjusted for you.

**How strong are my rights in employment law with regards to my employer having to make adjustments?**

I would describe them as medium to strong

**Why medium to strong?**

You have some rights to have your role adjusted a bit for you to help you work whilst managing your condition, but your employer also has a right for an employee to perform their job, for the most part, as the role requires it.

An example might be:

Q. I have a job on the top floor of a 100 storey building and there are no lifts. My health condition means that it takes me 30 minutes to walk up the stairs, and my train travel timing means it is not practical to arrive earlier. I ask my employer to move the office to the ground floor for me or allow me to work from home as a reasonable adjustment.

A. This would probably not be reasonable, because my job involves needing regular verbal updates and office based interaction for me to work properly between departments and all office based staff. The role would be seriously affected if I worked from home, and it would cost too much for the employer to move the office to the ground floor. This would not be a reasonable adjustment so you would not have a right to this.

**What would be a reasonable adjustment in this example?**

You could ask your employer to adjust your start time so you can still use your method of transport, arrive slightly later to work and perhaps take a shorter lunch or work later so your role is adjusted, you are still performing well and can manage the job.

**What other types of adjustments are there?**

There could be a physical feature of your work whereby a piece of equipment would help you (for example use of an electric pallet truck instead of a push truck) or another tool, and you can ask for this and it would probably be reasonable (depending on cost - although there are grants the employer can apply for), for them to provide it.

**Is there anything else I should know?**

If you try the above for your work situation, and have any problems or concerns that your employer is being unfair to you or refusing unreasonably to make any adjustments, then please get in touch with Somerville Heart Foundation, who can put you in touch with their Employment Law Specialist for a free consultation. If there is any breach of your employment rights then they can always help you with a potential claim (subject to a review of your circumstances). Most enquiries can be guided without any fuss, and most people who ask for advice are able to resolve the issue without having to take anything further.