

When managers and employers hear the phrase **‘substantial disadvantage’** in the context of reasonable adjustments, it often raises questions: what exactly counts as substantial? How do you recognise it at work? And crucially, why does it matter? Especially in small businesses with no HR team, these questions are vital because the legal duty to make workplace adjustments is clear but often misunderstood.

This post unpacks **‘substantial disadvantage’** under the *Equality Act 2010*, explains why stress is both a health and safety hazard and an important factor in adjustments, highlights the role of HSE Management Standards as an employer's benchmark, and clarifies practical actions when you spot barriers at work.

Understanding ‘Substantial Disadvantage’ in the Equality Act 2010

The term “substantial disadvantage” comes straight from the *Equality Act 2010*, specifically when defining what counts as a disability. A worker must show they have a physical or mental impairment that has a “substantial” and long-term adverse effect on their ability to carry out normal day-to-day activities.

Key points in law:

- “Substantial” means “more than minor or trivial” — the impact must be significant.
- The disadvantage must be connected to a “normal day-to-day activity” such as walking, using a phone, performing tasks, or understanding information.
- The effect must last, or be expected to last, at least 12 months.

Employers use this test to decide if an employee qualifies as disabled and therefore has rights to workplace reasonable adjustments under the *Equality Act*. Note: the focus is on the effect of an impairment, not the impairment itself.

What counts as a barrier causing substantial disadvantage at work?

The “barriers” are the challenges or obstacles within your workplace environment—for example:



- Inability to use shared office equipment because of a sensory impairment.
- Difficulty concentrating or communicating due to a mental health condition.
- Physical inaccessibility to key locations or facilities.
- Working patterns or tasks that worsen a health condition, such as chronic fatigue or anxiety.

When these challenges significantly disadvantage the employee compared to colleagues who do not have such impairments, adjustments may be necessary.

Stress as a Health and Safety Hazard in the Workplace

Stress isn't just a "personal resilience issue" — it is absolutely recognised as a health and safety hazard [brightonjournal.co](https://www.brightonjournal.co) under UK law. The Health and Safety at Work etc. Act 1974 places a duty on employers to protect the health, safety, and welfare of employees, which includes managing risks from work-related stress.

According to the Health and Safety Executive (HSE), work-related stress is caused when "the demands of the job do not match the capabilities, resources, or needs of the worker." Persistent failure to address stress risks can lead to increased sickness absence, reduced productivity, and, critically, legal claims.

Work-Related Stress and the Equality Act

Stress caused by workplace barriers (such as rigid working hours, lack of appropriate breaks, or unsuitable equipment) can contribute to or worsen a disability. For example, someone with anxiety or a chronic illness may suffer a > substantial disadvantage *if those barriers are not addressed*.

HSE Stress Risk Assessments and Employer Duties

As part of managing health and safety risks from stress, the HSE expects employers to carry out **stress risk assessments**. These involve:

1. Identifying potential stressors (workload, environment, relationships).
2. Assessing the likelihood and severity of harm from those stressors.
3. Implementing control measures to reduce the risks.
4. Reviewing effectiveness and revising the approach regularly.

Risk assessments are not a tick-box exercise. If an employee's disability or impairment means a workplace factor triggers or exacerbates stress, the employer's **duty to make adjustments** overlaps with their **health and safety duties**.

Practical example:

A small design studio notices a disabled employee with a hearing impairment is experiencing heightened stress due to background noise and poor audio equipment. The employer's stress risk assessment identifies this as a hazard and as a "barrier at work." Reasonable adjustments might include providing noise-cancelling headphones, relocating workstations, or installing better communication aids.



The HSE Management Standards as a Benchmark

The HSE Management Standards provide a benchmark for employers to identify, assess, and control workplace stress risks. These cover six key areas:

- **Demands:** workload, work patterns, and the work environment
- **Control:** how much say a person has in the way they do their work
- **Support:** encouragement, sponsorship and resources provided by the organisation, line management and colleagues
- **Relationships:** positive working to avoid conflict and deal with unacceptable behaviour
- **Role:** whether people understand their role and responsibilities
- **Change:** how organisational change is managed and communicated

Employers can use these standards as a checklist to spot barriers at work and help identify where reasonable adjustments may be needed. This is especially important where the impact of an impairment or disability creates a *substantial disadvantage* in one or more of these areas.

What Counts as a Reasonable Adjustment?

Once you identify a substantial disadvantage caused by workplace barriers, you face a legal duty to make reasonable adjustments under the Equality Act 2010. Reasonable adjustments are practical changes to remove or reduce disadvantages faced by disabled workers.

Examples:

- Changing working hours to accommodate fatigue.
- Providing specialised equipment or software.
- Allowing home working or flexible patterns.
- Altering physical workspace layout.
- Providing additional training or supervision.

Reasonable does not mean unlimited. The adjustment must be effective, proportionate and consider cost and disruption, but an outright refusal when a worker faces substantial disadvantage can be unlawful discrimination.

Turning Vague Complaints into Actionable Steps

When an employee says, "I'm struggling" or "This job is hard for me," as managers without a dedicated HR department, it can feel overwhelming. Break down the vague complaint into actionable items:

1. **Identify:** What specific barrier or challenge causes difficulty? (environment, equipment, tasks, hours, relationships)
2. **Assess:** Does this barrier cause a substantial disadvantage compared to others?
3. **Consult:** Talk in detail with the employee about their needs and ideas for adjustments.
4. **Plan:** Determine reasonable adjustments that can reduce or remove the disadvantage.
5. **Implement:** Put the agreed adjustments in place promptly.
6. **Review:** Check in regularly to ensure the adjustment continues to work.

This approach is far more effective than ignoring "stress" as a personal issue or waiting for a formal diagnosis.

A Practical Checklist: What to Email Your Manager to Initiate Reasonable Adjustments

If you're advising employees and they want to request reasonable adjustments, here's a handy checklist of points to include in an email to their manager:

- A clear statement about experiencing barriers at work linked to a health condition or impairment.
- Explain how this causes substantial disadvantage or makes certain tasks harder.
- Reference the duty to make reasonable adjustments under the Equality Act 2010.
- Suggest possible adjustments that could help (flexible hours, equipment, quiet workspace, etc.).
- Offer to discuss in person or via phone/video call.
- Request a date by which they might respond.

Summary Table: Key Concepts Explained

Term/Concept	Meaning/Explanation	Relevance to Reasonable Adjustments	Substantial Disadvantage	Adverse effect on ability to do normal daily activities that is more than minor or trivial.
Triggers right to reasonable adjustments under the Equality Act if linked to impairment.				
Equality Act 2010 UK law protecting disabled people from discrimination and requiring reasonable adjustments.				
Legal framework for disability and adjustments at work.				
HSE Management Standards Benchmark for identifying and managing workplace stress risk factors.				
Useful tool for spotting workplace barriers causing disadvantage.				
Stress Risk Assessments Employer duty to assess and control work-related stress risks.				
Preventive measure aligned with adjustments duty when stress risk linked to impairment.				
Barriers at Work Workplace factors that disadvantage or impede disabled people. Focus for identifying where adjustments are needed.				

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Final Thoughts

“Substantial disadvantage” is a crucial legal concept under the Equality Act 2010 defining who qualifies as disabled and who is entitled to reasonable adjustments. Recognising stress as a health and safety hazard and applying the HSE Management Standards help employers spot workplace barriers early.

For managers, turning vague stress or “it’s harder for me” signals into a concrete list of barriers, and practical adjustment solutions, is key—especially in small businesses with no dedicated HR. Remember, the duty to make adjustments is not a favour; it’s the law designed to create fair, inclusive workplaces where everyone can thrive.

Written by a former HR generalist with 11 years of experience supporting small employers across Brighton & Hove’s creative sector.