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For further
information contact:

Judith Ellery
jellery@metcalfes.co.uk
0117 9453080

Paul Seath
pseath@metcalfes.co.uk
0117 9453084

Changes to the Disability Discrimination Act

The first raft of provisions amending the Disability Discrimination Act are now in force. The most important changes are to the definition of disability. From now on:

- HIV, Cancer and Multiple Sclerosis are automatically included within the definition. Meaning those “diagnosed with those conditions now benefit from protection before showing signs of their illness. It is estimated that 250,000 people benefit from this change.
- Mental illnesses no longer has to be “clinically well recognised”. This is potentially very significant since it widens the scope of the definition to possibly include stress etc. Obviously any such condition would still have to satisfy the test of having a substantial long term impact on somebody’s ability to carry out normal day to day activities but it gives employees much greater scope to argue that they should be protected. Previously, the additional hurdle of having to establish a mental illness was “clinically well recognised” proved insurmountable to many people; or at least put them off trying.

Employers are advised to take advice on these changes when dealing with people who may possibly be protected. Getting things right early will invariably save money later on.

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