

Employment E-Brief No 77

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For details and registration.

IMPORTANT CHANGES TO DISABILITY DISCRIMINATION LAW

The Government has recently announced changes to the disability discrimination bill (due to come into force in 2006). Although the bill is primarily concerned with disability discrimination protection outside of the employment field, a number of areas will effect employers as opposed to practitioners, including:

- drastically extending the definition of disability by removing the requirement that a mental impairment be a clinically well recognised condition; and
- more people with progressive conditions, such as HIV, MS and Cancer.

The first of these could have a dramatic effect. The requirement that a mental impairment had to be clinically recognised took many minor conditions, such as those described on the doctor's note as 'stress' outside the Act. With its removal more people will doubtless claim it. Complying with the Act in such circumstances will therefore be crucial.

However, before 2006, one other very important change takes place to the Disability Discrimination Act. From the 1st October 2004, the 'small employer' exemption is removed, extending the coverage of the legislation to all businesses regardless of their size; and not just those with 15 or more employees.

30th July 2004

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