

## Employment E-Brief No 86

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### DISABILITY DISCRIMINATION - WIDENING OF THE DEFINITION OF DISABILITY

Changes to the definition of disability under the Disability Discrimination Act 1995 are expected to come into force in 2006. An important change concerns mental illnesses.

At the moment, only those employees with a mental impairment which is clinically well recognised can avail themselves of the protection offered by the legislation. This will change in 2006 and a mental impairment will no longer need to be clinically well recognised.

This change will drastically increase the scope of people covered by the legislation and could mean it includes those simply suffering from stress.

The ramifications are far reaching since it will make it easier to argue that a mental impairment can amount to a disability

Where the legislation applies employees will be protected against suffering a detriment on account of their disability and/or the employer will need to consider what reasonable adjustments can be made to alleviate the disability.

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