

Changes to the Disability Discrimination Act

As of today, the definition of “disability” under the Disability Discrimination Act 2005 (“the Act”) has been expanded.

People diagnosed with cancer, HIV and multiple sclerosis (MS), will be protected against Disability Discrimination from the moment at which they are diagnosed. They will not have to wait for their symptoms to manifest themselves. The new law is *already* being used. One news report this morning featured an employee who has cancer and is being made to take annual leave in order to have chemotherapy. She is proposing to bring a claim under the Act.

The other big change to the Act is the alteration of the definition of a disability which results from a mental impairment. To be classed as a disability, a mental illness no longer needs to be “clinically well recognised”. Such illnesses which will now be covered include (non-clinical) depression and a tendency to self-harm. However, employers do not need to panic that the change is going to open the floodgates. The other pre-requisites of a disability, (most importantly the requirement that the mental impairment has a substantial adverse effect on the individual’s ability to carry out day to day activities) remain in place.

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Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing. If you have any queries on any of the subjects raised in this email, or on any other subject relating to employment law, then please do not hesitate to contact Rebecca Watson at rebecca.watson@rlb-law.com or telephone 020 7227 6714 or Kerry Scott-Patel on 020 7227 7235 or kerry.scott-patel@rlb-law.com

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