



DISABILITY DISCRIMINATION

A new report, the Leonard Cheshire Disability Review 2007, is the first in an annual series of reviews looking at disabled people's views and experiences. It has found that almost half of all disabled workers experience discrimination or prejudice in the workplace.



Preventing situations in which claims of disability discrimination arise is becoming a priority for employers. The case of *Travis v Electronic Data Systems*, was a warning to employers as the tribunal awarded damages to Mr Travis in excess of £547,000.



The compensation awarded to Mr. Travis, who was discriminated on the grounds of his mental illness, is currently the highest that has been made for a discrimination claim.

The Disability Discrimination Act (DDA 1995) has been in force since 1996 and defines a person as having a disability if that person has:

"a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities."

The DDA prohibits various types of discrimination:

- Direct discrimination.
- Disability-related discrimination.
- Failure to comply with a duty to make reasonable adjustments.
- Victimisation.
- Harassment.
- Instructions or pressure to discriminate.
- Aiding an unlawful act.

On 1 October 2007 the 3 equality commission merged into the *Equality & Human Rights Commission* which can provide advice to employees and employers. www.equalityhumanrights.com



- Making reasonable adjustments to a premises, equipment, duties, hours, place of work, etc
- Giving, or arranging training or mentoring. Publishing equal opportunities policies and providing training in recognising discrimination
- Ensuring that the collection, processing and storage of any employee-related health and/or disability information is proportionate, is relevant to the job and complies with the requirements of the Data Protection Act 1998
- Ensuring all job applicants are offered reasonable adjustments to enable them to attend and participate in interviews
- Reviewing all policies and handbooks to ensure they reflect the most recent codes of practice.



For further advice or information please contact Amanda Henry on 01727 837161 or via email at aah@turnerdebs.co.uk.