



DISABILITY DISCRIMINATION GRIEVANCE INCLUDING WORK RELATED STRESS

Brian Butler, Health & Safety and Employment Adviser for GCMA, writes about a Helpline query regarding a grievance including disability discrimination while on sick leave suffering from work related stress

Helpline Question

Q: We have an employee who is absent from work on sick leave. The doctor has given her a sick note indicating that the employee is suffering work related stress. In the list of the employee's grievances she has included disability discrimination. How should the club deal with this claim?

A: There are different kinds of disability discrimination but the first step is to consider whether the employee's condition meets the definition of disability. There are two limbs to the definition. Firstly, the employee's condition has to last or is likely to last for a year or more. Secondly, the condition has to have a substantial effect on her day to day activities. The guidance to the Equality Act 2010 list the kind of activities that might be involved:

- walking or driving
- washing or getting dressed
- cooking or eating
- using public transport
- talking or hearing
- writing, typing or reading
- carrying or moving things
- being able to concentrate or understand
- being able to form social relationships.

The Equality Act 2010 is complex and much more could be said about the case you have raised. Frequently, however, such grievances are not well founded and do not meet the legal definition of disability.

Golf Club Management - December 2014

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