

28th November 2008

Carers given immediate protection against discrimination and harassment at work

The Employment Tribunal in London has ruled that protection for carers against discrimination “by association with disability” can be given under existing UK law, paving the way for carers to make immediate claims against their employers if they are treated unfairly.

Following the ruling of the European Court of Justice in July of this year in the case of carer Sharon Coleman, it was not clear whether new legislation would need to be brought in by the UK Government to give carers this protection.

Sharon Coleman is a carer who claimed that she was discriminated against and harassed because she had a disabled son and was treated less favourably than employees whose children weren't disabled. Sharon Coleman claimed that her former employer, London law firm Attridge Law, refused to allow her to return to the same job after maternity leave, accused her of being “lazy” when she needed to take time off to care for her child and threatened her with disciplinary action.

In July the European Court of Justice ruled that the laws which protect disabled people against discrimination not only apply to the person themselves, but also to their carer.

If new legislation was required it would have meant that protection was only available from the future point at which the new law was brought in to force, and all current claims such as Sharon's, would have been dropped. Sharon Coleman's case can now proceed to a full hearing, where the facts of the case will be considered.

Commenting on the case, Imelda Redmond, Chief Executive of Carers UK, said:

“This decision means that justice is a step nearer for Sharon Coleman, and for other carers who have been discriminated against. Too many carers face discrimination at work, yet they are the bedrock of our communities and society. This anxiously awaited decision clarifies the law for both carers and employers.

Employers will now have to ensure that carers in their workforce are not treated differently to others employees, and cannot refuse to employ someone because of their caring role. Yet our work with employers has shown that supporting carers delivers tangible business benefits, which is critical in the current economic climate.

Government must now accept that carers are part of the equality agenda and must make sure they are fully acknowledged in the forthcoming Equality Bill. We are calling for the duty which requires public bodies to promote equality on the grounds of race, gender and disability, be extended to carers. This has been backed by the Work and Pensions Select Committee and would make a real difference to the way are treated by local authorities, health bodies and Government departments.”

Carer Sharon Coleman said:

“It is absolutely brilliant news. All the carers who have been discriminated against and have cases pending can now take their cases forward. It has been a cold and lonely journey to fight this far, but knowing that this ruling will affect millions of carers makes it worth it.”

For further information:

Carers UK Press Office Telephone: 020 7378 4936 or Email: info@carersuk.org

Notes to Editors

1. Spokespeople and case studies are available. Contact the numbers above.
2. Carers UK is the campaigning, policy and information organisation of and for carers. Carers UK continues to make a difference to carers' lives by: campaigning for a better deal for carers; informing carers of their rights and what help is available; training and advising professionals who work with carers; working across the UK through its membership and networks of branches and affiliates. For more information, visit www.carersuk.org or for advice on your caring situation call CarersLine on T. 0808 808 7777.
3. Carers UK recently launched Employers for Carers, a membership forum for employers who wish to support the carers in their workforce, along with a core leadership group including BT, Unum Provident and Listawood. For more information about Employers for Carers and the business case for supporting carers in the workplace, visit: <http://www.carersuk.org/Employersforcarers>
4. Sharon Coleman was represented by solicitors Bates, Wells and Braithwaite. See <http://www.bateswells.co.uk/> to download the Tribunal's judgement.
5. The Tribunal has ruled that the section defining the meaning of direct discrimination in Disability Discrimination Act 1995 should be read so that it says:

"A person directly discriminates against a disabled person or a person associated with a disabled person if, on the ground of the disabled person's disability, he treats the disabled person or a person associated with the disabled person less favourably than he treats or would treat a person not having that particular disability or association (as the case may be) whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person or the person associated with the disabled person"

(the words underlined being those that the Tribunal has added).

6. There are 4,439,786 working age carers in the UK, 2,510,034 of whom are in work (Source: Out of pocket: A survey of carers' lost earnings, Carers UK 2007. Figures from 2001 Census).