

# Discrimination Legislation Resource



## 3. The definition of disability

### What is the definition of disability in the new legislation?

A person falls within the protected ground of disability if the person has one or more long-term physical, mental, intellectual or sensory impairments.

### How long is long-term?

The requirement for a disability to be long term is the same as used in the Jersey Discrimination Law in that it must have lasted, or be expected to last, for not less than six (6) months; or is expected to last until the end of the person's life.

The objective of this time limit is to exclude minor illnesses and injuries because of concerns about trivial complaints.

## **What is an impairment?**

In order to provide greater clarity for individuals, employers and adjudicators, it was agreed that “impairment” should be defined in terms consistent with the following:

### **“impairment” means:**

- a. the total or partial absence of one or more of a person’s bodily or mental functions, including the absence of a part of a person’s body,
- b. the presence in the body of organisms or entities causing, or likely to cause, chronic disease or illness,
- c. the malfunction, malformation or disfigurement of a part of a person’s body,
- d. a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
- e. a condition, illness or disease which affects a person’s thought processes, perception of reality, social interactions, emotions or judgement or which results in disturbed behaviour.”

## **Will someone need to prove how disabled they are?**

The legislation will not require a person to prove, how and to what extent their impairment adversely affects their ability to carry out, engage or participate in normal day-to-day activities. Sometimes this will be obvious and evidence will not be required, but if the existence of an impairment or the prognosis is in doubt, medical, or other expert, evidence may be required.

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## **For more information on Discrimination Legislation and FAQ's**

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