

There is no requirement for employers to make reasonable adjustments for non-disabled employees who care for disabled people

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A decision by the Court of Appeal confirmed that an employer was not under an obligation to make reasonable adjustments for a non-disabled employee whose daughter had Down's syndrome. The Court of Appeal held that although employers are under a duty to make reasonable adjustments for their employees who have disabilities, they are not under an obligation to make reasonable adjustments for an employee who does not have a disability but is associated with someone who does.

The claimant, Ms. Hainsworth, was an employee of the Ministry of Defence based in Germany. As part of her employment package, the MoD provided facilities to educate the children of its employees who were not based in the UK. The claimant's daughter had Down's syndrome and the schools provided by the MoD were not suitable for her needs. In 2011, the claimant made an application to be transferred to the UK in order that she could better meet her daughter's needs. This request was rejected by the MoD.

Ms. Hainsworth made a claim to the Court of Appeal, arguing that the law required the MoD to make a reasonable adjustment for an employee associated with a disabled person. Employers are required to make reasonable adjustments for disabled workers.

The Court of Appeal held that the MoD and employers generally were not obliged to make reasonable adjustments for employees who are associated with disabled people (although they did say that it would be good practice for the employer to do what it

could to assist).

Hainsworth v Ministry of Defence [2014] EWCA Civ 763

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