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NEWS REPORT

Country:	Denmark
Title:	Diabetes and Sequelae to Diabetes
Date:	10 January 2017
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<u>Context</u>	
Issue at stake:	Whether diabetes and sequelae to diabetes constitute a disability
Ground of discrimination:	Disability
Source:	Eastern High Court, judgment delivered on 6 December 2016 in Case B-2828-15
Field:	Employment
Applicable law:	Section 1 of the Act on Prohibition of Discrimination in the Labour Market etc.

Content

Case: The claimant was a cleaner at a public hospital was dismissed due to illness in January 2014 after 17 years of employment. The claimant had been diagnosed with diabetes type 2 in 1998/99. Because of various sequelae to her diabetes she had been sick and absent from her job a number of times in the period from 2010 to 2014.

Before the dismissal in January 2014 she had been absent because of illness for around 4 months due to diabetic Charcot foot. At the time of dismissal the prognosis from her doctor stated that she would be fit for duty in 3 months.

The claimant argued that she had been dismissed because of her disability and claimed compensation from the employer.

Decision of the Court: The Court stated that diabetes by itself does not constitute a disability. The Court argued that because of the character and the variations of the different complications related to diabetes, the diverse sequelae did not constitute an overall course of an illness, but had to be considered individually. The Court also argued that because of the prognosis from the claimant's doctor that she could be back at her workplace in 3 months, the illness at the time of dismissal did not constitute a disability.

Thus, the Court concluded that the claimant had not been discriminated against because of disability and the employer was acquitted.

Key points of analysis: The case illustrates that sequelae/complications stemming from the same disorder (in this case diabetes) cannot be considered together resulting in one long lasting limitation. Instead such sequelae must be regarded as individual illnesses.

Internet link source: No internet source to be found.