

Final project report to the SSA
Does a citizens' jury think that alcohol dependence should be excluded from the definition of
disability for the purposes of the Equality Act
December 2021

Background

People with a history of alcohol dependence are heavily discriminated against, even if they have stopped drinking. There is growing evidence that this discrimination contributes to unemployment, homelessness, health inequalities and premature death. Great Britain's Equality Act (2010) protects people with certain characteristics against discrimination, harassment or victimisation in the workplace and private and public services. One of these characteristics is disability. Alcohol dependence is classified as a mental health condition, but while other mental health conditions are included as disabilities in the Act, 'addiction to alcohol, nicotine or any other substance' is expressly excluded. This means that it is lawful to discriminate against someone on the basis of current or past alcohol dependence. The UK Government's Equalities Office have stated that the exclusion is because 'the provisions of the Act are intended to protect people with disabilities and conditions which are not self-induced. Addictions, unlike medical and neurological conditions, are self-induced and a result of the habitual and excessive use of drink, nicotine or ingestion of other substances'. The Society for the Study of Addiction funded the University of Bedfordshire to hold a citizens' jury to find out whether members of the public thought alcohol dependence should be excluded from the definition of disability for the purposes of the Equality Act. A citizens' jury is a small group of citizens, reflective of the demographics of the population, that come together to reach a collective decision on a policy issue through informed deliberation.

Results

Three quarters of the jurors (11/15) did not think that alcohol dependence should be excluded from the definition of disability for the purposes of the Equality Act. The jurors who thought that alcohol dependence should be excluded from the definition of disability for the purposes of the Act nevertheless believed that people with alcohol dependence should be protected from discrimination. It was including alcohol dependence within the definition of disability in the Act that they disagreed with.

Key arguments jurors made for excluding alcohol dependence included that people are responsible for developing and not recovering from alcohol dependence; people with alcohol dependence might not want to think of themselves as disabled; if people think of themselves as disabled they might think they cannot recover; including alcohol dependence in the Equality Act might have a negative impact on employers. Arguments against excluding alcohol dependence included that circumstances beyond the person's control may be responsible for their dependence; eating disorders involve eating too much or too little therefore could also be considered self-induced but are included in the Act; a person's ability to recover from alcohol dependence is undermined by alcohol's addictive properties and being free from discrimination is a human right which must be extended to everyone. The research team compared disability discrimination legislation in the United States, Australia, Canada and New Zealand. Only Great Britain excludes people dependent on alcohol. Protection of people with alcohol dependence is not without limits in other countries. For example, in the United States, employers can carry out alcohol screening, require that employees are not intoxicated in the workplace and hold an employee to the same standards as other employees even if the unsatisfactory performance or behaviour is related to their dependence. Employers are required to provide 'reasonable accommodations' such as leave of absence so a person can seek alcohol treatment but they do not have to provide repeated leaves of absence where treatment has not previously been successful.

Dissemination and impact

The research team published a [policy brief](#) and [report](#) on the project. The policy brief was sent to all 650 Westminster MPs, the UK Government Equalities Office, Rt Hon Caroline Noakes MP (Chair of the Women and Equalities Committee), Christian Wakeford MP (Chair of the All Party Parliamentary Group on Alcohol Harm) and Dan Carden MP (Chair of the All Party Parliamentary Group Drugs, Alcohol and Justice). The findings were published in the report '[The Equality Act 10 Years On](#)' and presented to a cross-party group of MP's at the launch event. A blog post has been prepared for publication on the Alcohol Change UK website (publication pending).

Directly as a result of the study, the All Party Parliamentary Group on Alcohol Harm has agreed to hold an event on the Equality Act in February 2022. Christian Wakeford MP is applying for a Westminster Hall Debate on the issue.

Future developments

The research team will submit an article to a peer reviewed journal and disseminate the policy brief in Scotland, Wales and Northern Ireland. They will continue to work towards stimulating political debate on whether alcohol dependence should be excluded from the definition of disability for the purposes of the Equality Act.

Dr Sarah Wadd
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