



## NEWS REPORT

<b>Date:</b>	11 February 2011
<b>Expert:</b>	McColgan, Aileen
<b>Title:</b>	Dismissal of a discrimination claim brought by a volunteer worker on grounds of disability in <i>X v Mid Sussex Citizens Advice Bureau &amp; Ors</i>
<b>Country:</b>	United Kingdom
<b>Context</b>	
<b>Issue at stake:</b>	Scope of application of the prohibition on discrimination
<b>Ground of discrimination:</b>	Disability but ruling affects all grounds
<b>Source:</b>	National court decision, <i>X v Mid Sussex Citizens Advice Bureau &amp; Ors</i> [2011] EWCA Civ 28
<b>Field:</b>	Employment
<b>Legislation</b>	Disability Discrimination Act 1995 Employment Equality Directive 2000/78/EC

### Content

The Court of Appeal ruled that a volunteer worker with the Citizens Advice Bureau was not entitled by the Disability Discrimination Act 1995 to claim disability discrimination, and that this was not inconsistent with EU law (the EU Framework Directive). The Court took the view that it was by no means clear that it would be thought wise to include volunteers within the scope of the employment discrimination legislation, and noted that the European Council had declined to amend the Directive in draft form to this effect on a proposal by the European Commission. It was, therefore, inconceivable that the draftsman of the Directive would not have dealt specifically with the position of volunteers if the intention had been to include them, given the fact that volunteers were extensively employed throughout Europe. The concept of worker has been restricted to persons who are remunerated for what they do and there was no reason to suppose that the concept of occupation was intended to cover non-remunerated work.

**Internet link source and additional information:** BAILI (British and Irish Legal Information Institute):

<http://www.bailii.org/ew/cases/EWCA/Civ/2011/28.html>