



Dementia and Employment Tribunals

Dr Connor McDonald
(Project lead: Dr Lyndsey Bengtsson)

What is the study about?

Aim

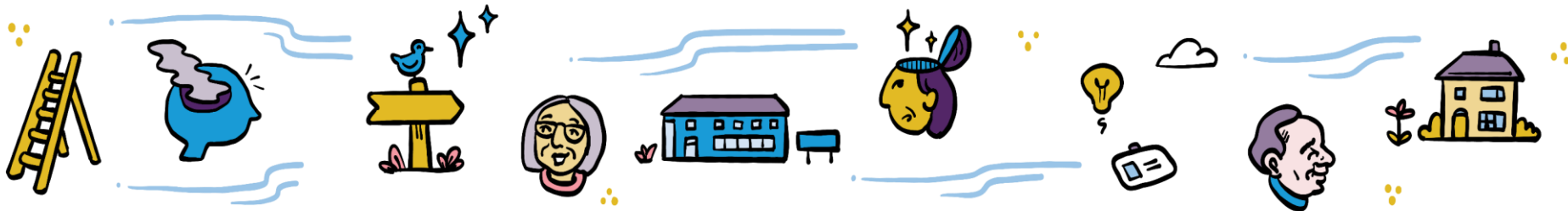
- The general aim of this study is to analyse employment tribunal judgments relating to dementia across the UK, Canada, and Australia, and to understand how legislation is applied in workplace contexts.
- This research will provide learning outcomes for employers and claimants in this area and may also offer recommendations for legal reform.

How are we doing this?

- Looking at employment tribunals which are freely available online

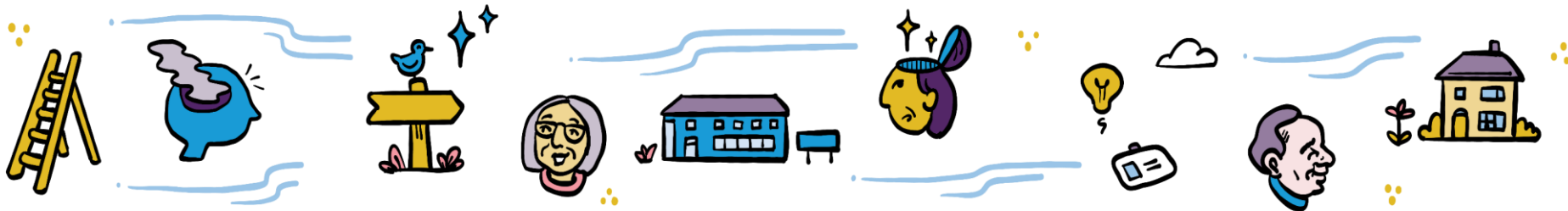
Why is this important?

- By analysing the judgments, we will understand current practice and how legislation is applied, the volume and characteristics of workplace claims, demographics of claimants and respondents, outcomes and trends over time, and how effectively the legal system supports employees in practice.



What are we looking at?

- During the search, the tribunal judgments will be sorted into three categories. The first category includes those directly involving dementia in the workplace, the second category involves an indirect link to dementia (such as family carers in the workplace), and the third category are judgments which mention dementia in passing or are not relevant to the search.
- For the judgments directly relating to dementia, we are looking at the following characteristics: **year of judgment, judgment type, occupation, gender, age, and the outcome.**

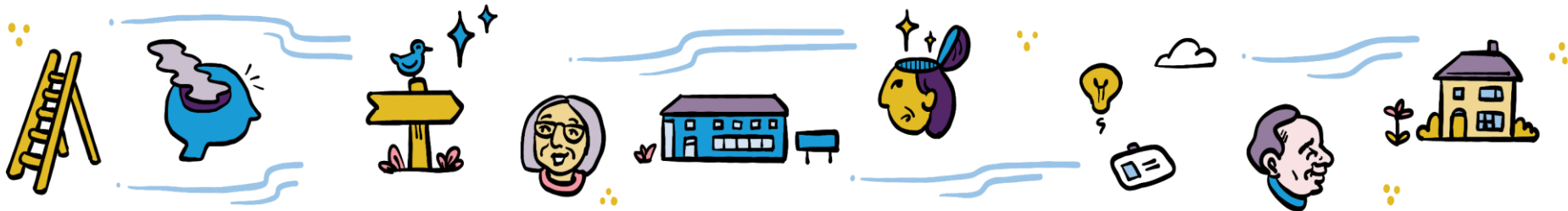


What have we found so far?

- Databases from the UK, Canada, and Australia were searched using the following search terms: “dementia” OR “Alzheimer’s” OR “mild cognitive impairment”

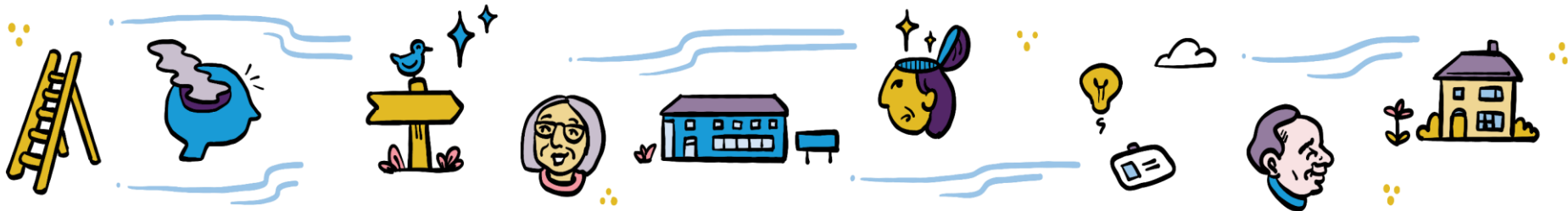
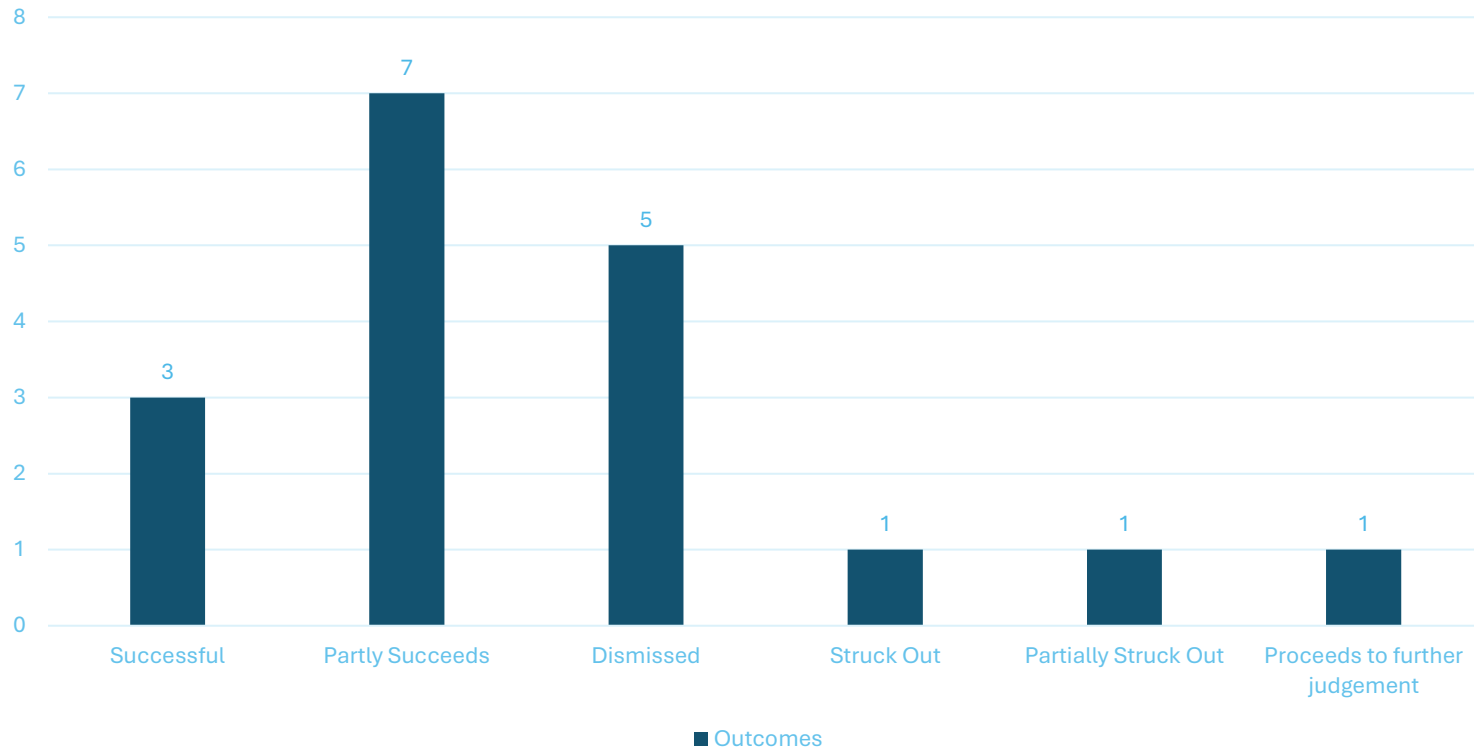
UK

- The UK search returned 5,713 judgments
- 1,500 have been analysed and have shown that 22 judgments directly relate to people working with a dementia diagnosis and 56 indirectly relate to dementia (32 involving carers of people living with dementia)



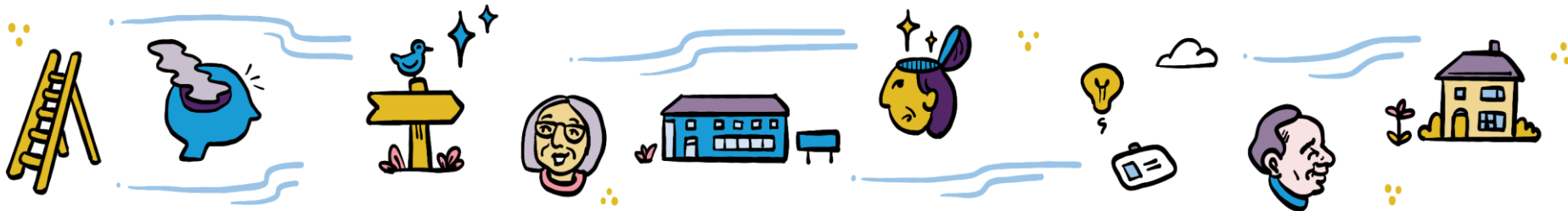
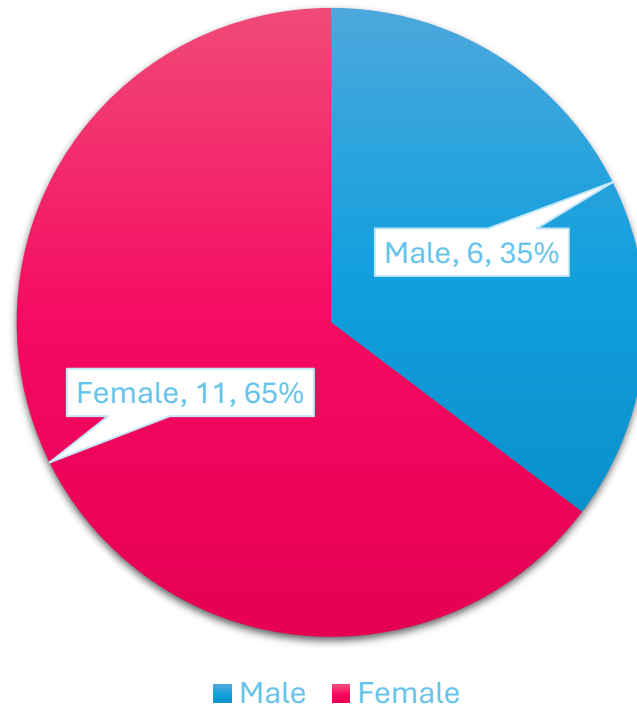
Characteristics of judgments directly relating to claimants with a dementia/MCI diagnosis

Outcomes (UK)

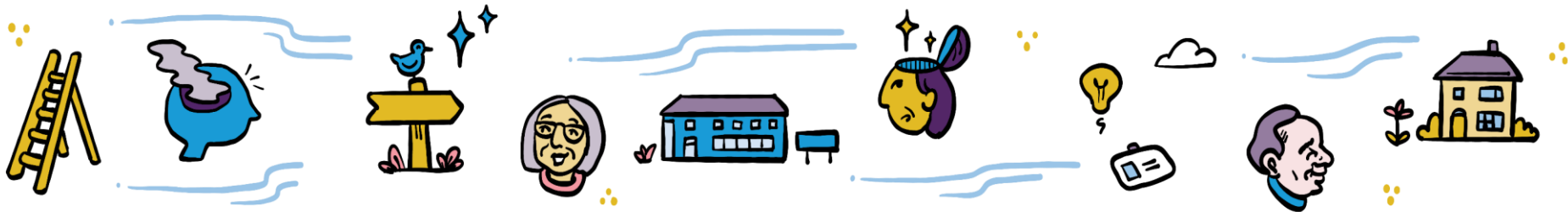
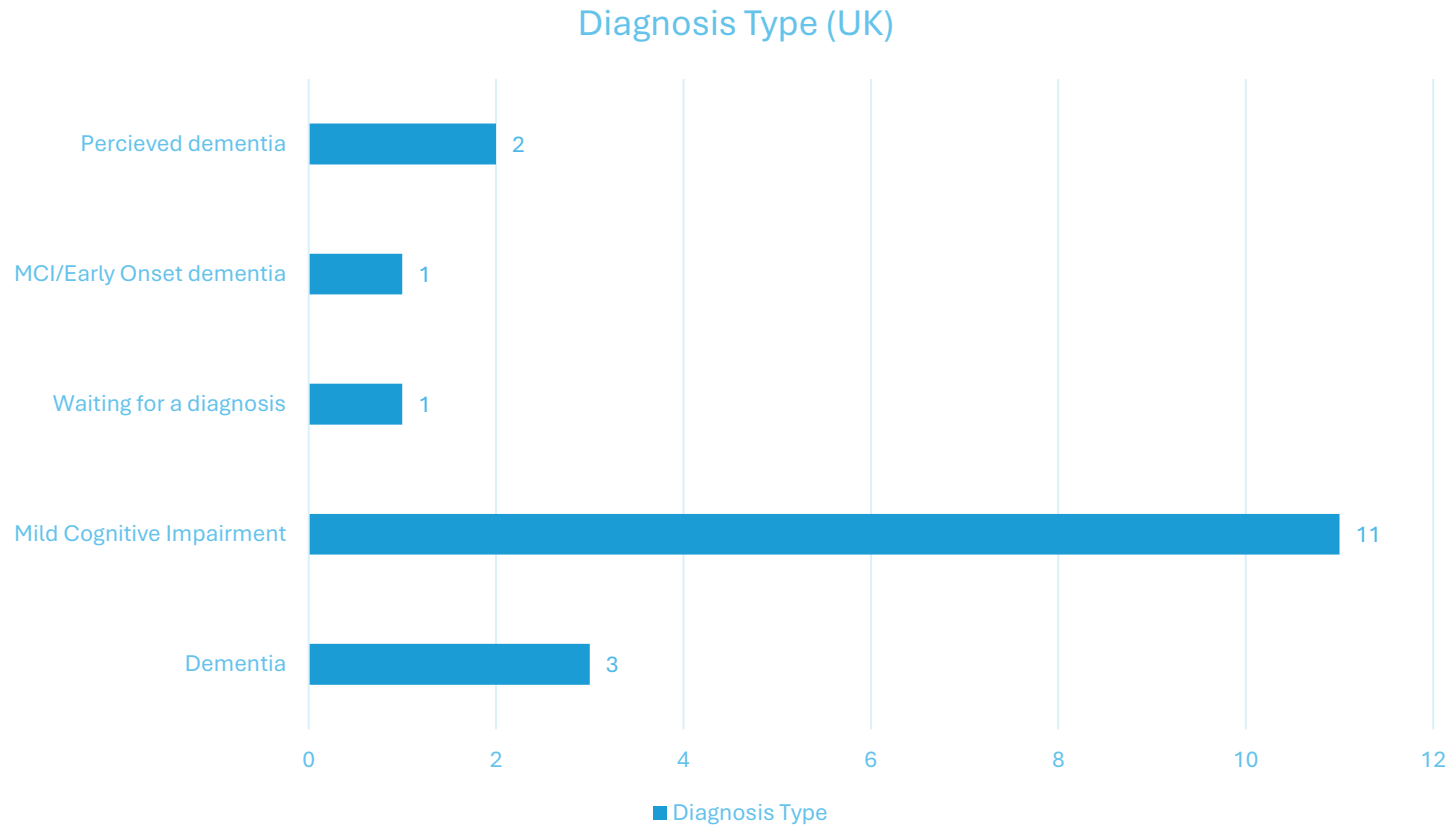


Characteristics of judgments directly relating to claimants with a dementia/MCI diagnosis

Gender Split (UK)



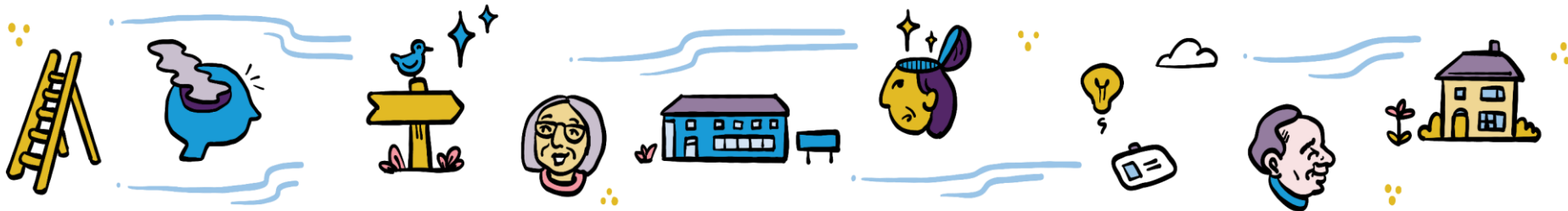
Characteristics of judgments directly relating to claimants with a dementia/MCI diagnosis



What are the UK judgments showing us?

So far, the judgments from the UK show that:

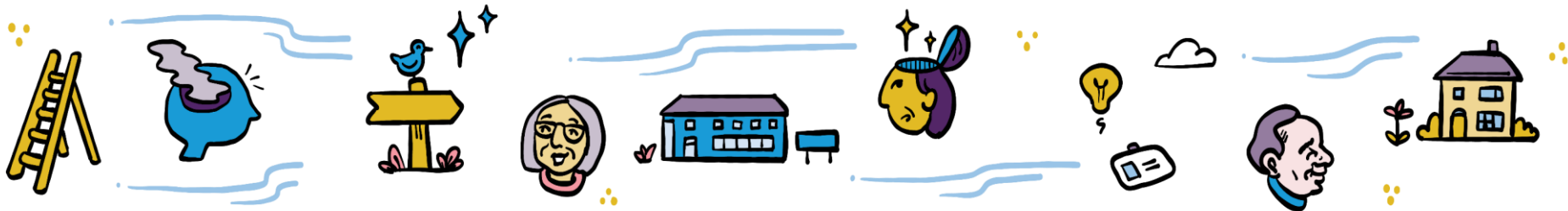
- Very few cases are being brought by people working with a dementia diagnosis
- Discrimination as the primary claim type, brought in 14 of the 18 cases
- The success rate for judgments relating to people working with a dementia diagnosis is 55%
- Over half of cases centred on MCI rather than confirmed or suspected dementia (61%)
 - This could indicate that cases are being brought during the earlier stages of the dementia



What are the UK judgments showing us?

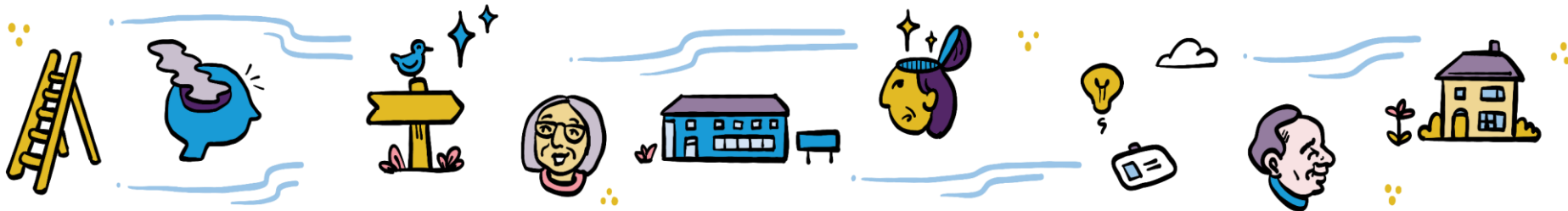
The qualitative analysis has shown:

- Employer passivity in responding to affected employees
- Legal vulnerability faced by unrepresented claimants
- The prevalence of dementia-related stigma



What are the next steps?

- The Australian search is still ongoing.
- The Canadian judgments directly related to dementia will be qualitatively analysed to determine if they reveal stigma, misconceptions, or problematic attitudes worth noting
- The Canadian judgments will also be analysed to assess if legislation was applied effectively within the context of the workplace (such as if reasonable adjustments were implemented to support continued employment)





Thank you



www.workingwithdementia.org



connor.mcdonald@northumbria.ac.uk



**Linked In: Dr Connor McDonald and
Working with Dementia Network Plus**

Working with Dementia Network
Plus: Impact Feedback

