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[Written Answers]

Chronic Fatigue Syndrome

Marco Longhi

To ask the Secretary of State for Work and Pensions, what assessment she has made of the potential merits of reclassifying (a) myalgic encephalomyelitis and (b) chronic fatigue syndrome as a disability rather than as an illness for the purposes of (a) benefit assessments and (b) employee rights. [UIN 107121]

Justin Tomlinson

Entitlement to health and disability-related benefits is determined by the functional effects of a person's disability or health condition. Classification of the disability or condition is irrelevant for the purposes of benefit assessment.

With regard to employee rights, though they are not automatically treated as a disability under the Equality Act 2010, people with myalgic encephalomyelitis (ME) and chronic fatigue syndrome can be treated as disabled depending upon the effect it has on their daily life. ME is specifically listed amongst 'impairments with fluctuating or recurring effects' in the 2010 Act Guidance document

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85010/disability-definition.pdf.

Any employment rights would then flow from being classified as disabled under the Equality Act 2010.