



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

[^{F1}THE EMPLOYMENT FIELD][^{F2} AND DISTRICT
COUNCILS][^{F3} AND MEMBERS OF LOCALLY-ELECTABLE AUTHORITIES]

[^{F4}Employment]

Textual Amendments

- F4** Ss. 4-4F and cross-headings substituted for ss. 4-6 and preceding cross-heading (E.W.S) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), 5

[^{F5}4] **Discrimination against applicants and employees.**

- [^{F6}(1) It is unlawful for an employer to discriminate against a disabled person –
- (a) in the arrangements which he makes for the purpose of determining to whom he should offer employment;
 - (b) in the terms on which he offers that person employment; or
 - (c) by refusing to offer, or deliberately not offering, him employment.
- (2) It is unlawful for an employer to discriminate against a disabled person whom he employs –
- (a) in the terms of employment which he affords him;
 - (b) in the opportunities which he affords him for promotion, a transfer, training or receiving any other benefit;
 - (c) by refusing to afford him, or deliberately not affording him, any such opportunity; or
 - (d) by dismissing him, or subjecting him to any other detriment.

*Changes to legislation: There are currently no known outstanding effects for the Disability
Discrimination Act 1995, Cross Heading: Employment. (See end of Document for details)*

- (3) It is also unlawful for an employer, in relation to employment by him, to subject to harassment –
 - (a) a disabled person whom he employs; or
 - (b) a disabled person who has applied to him for employment.
- (4) Subsection (2) does not apply to benefits of any description if the employer is concerned with the provision (whether or not for payment) of benefits of that description to the public, or to a section of the public which includes the employee in question, unless –
 - (a) that provision differs in a material respect from the provision of the benefits by the employer to his employees;
 - (b) the provision of the benefits to the employee in question is regulated by his contract of employment; or
 - (c) the benefits relate to training.
- (5) The reference in subsection (2)(d) to the dismissal of a person includes a reference –
 - (a) to the termination of that person’s employment by the expiration of any period (including a period expiring by reference to an event or circumstance), not being a termination immediately after which the employment is renewed on the same terms; and
 - (b) to the termination of that person’s employment by any act of his (including the giving of notice) in circumstances such that he is entitled to terminate it without notice by reason of the conduct of the employer.
- (6) This section applies only in relation to employment at an establishment in Northern Ireland.]]

Extent Information

E1 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

Textual Amendments

F5 Ss. 4-4K and cross-headings substituted for s. 4 (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), 5

F6 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

[^{F7}4A **Employers: duty to make adjustments** **E+W+S**

^{F8}]

Extent Information

- E2** This section extends to England and Wales and Scotland only until 1.10.2010; a separate s. 4A exists for Northern Ireland only from 21.2.2004 .

Textual Amendments

- F7** Ss. 4-4F and cross-headings substituted for ss. 4-6 (E.W.S) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), 5
- F8** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F14}4A Employers: duty to make adjustments **N.I.**

- (1) Where –
- (a) a provision, criterion or practice applied by or on behalf of an employer, or
 - (b) any physical feature of premises occupied by the employer,
- places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the provision, criterion or practice, or feature, having that effect.
- (2) In subsection (1), “the disabled person concerned” means –
- (a) in the case of a provision, criterion or practice for determining to whom employment should be offered, any disabled person who is, or has notified the employer that he may be, an applicant for that employment;
 - (b) in any other case, a disabled person who is –
 - (i) an applicant for the employment concerned, or
 - (ii) an employee of the employer concerned.
- (3) Nothing in this section imposes any duty on an employer in relation to a disabled person if the employer does not know, and could not reasonably be expected to know –
- (a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the employment; or
 - (b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).]

Extent Information

- E3** This section extends to Northern Ireland only; a separate s. 4A exists for England, Wales and Scotland only until 1.10.2010.

Textual Amendments

- F14** Ss. 4-4K and cross-headings substituted for s. 4 (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004](#), regs. 1(2)(3), {5(1)}

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Employment. (See end of Document for details)

F⁹5 Meaning of “discrimination”

F¹⁰

Textual Amendments

- F9** Ss. 4-4F and cross-headings substituted for ss. 4-6 (E.W.S) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **5(2)**
- F10** S. 5 repealed (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **5**

F¹¹6 Duty of employer to make adjustments.

F¹²

Textual Amendments

- F11** Ss. 4-4F and cross-headings substituted for ss. 4-6 (E.W.S) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **5(2)**
- F12** S. 6 repealed (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **5(2)**

7 Exemption for small businesses.

F¹³

Textual Amendments

- F13** S. 7 omitted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(S.I. 2003/1673\)](#), regs. 1(2)(3), {7} and s. 7 repealed (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by [the Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) \(S.R. 2004/55\)](#), regs. 1(2)(3), {7}

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995,
Cross Heading: Employment.