



Disability Discrimination Act 1995

1995 CHAPTER 50

PART III

DISCRIMINATION IN OTHER AREAS

Goods, facilities and services

[^{F1}21A Employment services

[^{F2}

- (1) In [^{F3}this Act], “employment services” means—
 - (a) vocational guidance;
 - (b) vocational training; or
 - (c) services to assist a person to obtain or retain employment, or to establish himself as self-employed.
- (2) It is unlawful for a provider of employment services, in relation to such services, to subject to harassment a disabled person—
 - (a) to whom he is providing such services, or
 - (b) who has requested him to provide such services;and section 3B (meaning of “harassment”) applies for the purposes of this subsection as it applies for the purposes of Part II.
- (3) In their application to employment services, the preceding provisions of this Part have effect as follows.
- (4) Section 19 has effect as if—
 - (a) after subsection (1)(a), there were inserted the following paragraph—
 - “(aa) in failing to comply with a duty imposed on him by subsection (1) of section 21 in circumstances in which the effect of that failure is to place the disabled person at a substantial disadvantage in comparison

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 21A. (See end of Document for details)

- with persons who are not disabled in relation to the provision of the service;”;
- (b) in subsection (1)(b), for “section 21” there were substituted “ subsection (2) or (4) of section 21 ”;
- [^{F4}(c) in subsection (2), for “sections 20 to 21ZA” there were substituted sections 20 to 21A.]
- (5) Section 20 has effect as if—
- (a) after subsection (1), there were inserted the following subsection—
- “(1A) For the purposes of section 19, a provider of services also discriminates against a disabled person if he fails to comply with a duty imposed on him by subsection (1) of section 21 in relation to the disabled person.”;
- (b) in subsection (2)(a), for “a section 21 duty imposed” there were substituted “ a duty imposed by subsection (2) or (4) of section 21 ”;
- (c) after subsection (3), there were inserted the following subsection—
- “(3A) But treatment of a disabled person cannot be justified under subsection (3) if it amounts to direct discrimination falling within section 3A(5).”.
- (6) Section 21 has effect as if—
- (a) in subsection (1), for “makes it impossible or unreasonably difficult for disabled persons to make use of” there were substituted places disabled persons at a substantial disadvantage in comparison with persons who are not disabled in relation to the provision of;
- (b) after subsection (1), there were inserted the following subsection—
- “(1A) In subsection (1), “practice, policy or procedure” includes a provision or criterion.”.]

Extent Information

- E1** E Note: 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

- F1** S. 21A inserted (E.W.S.) (3.7.2003 for specified purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), {19(1)} and same section inserted (N.I.) (21.2.2004 for specified purposes and otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **19(1)**: Note - the reference to "Part 2" in s. 21A(2) in the E.W.S. text of the provision appears as "Part II" in the N.I. text
- F2** 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)**
- F3** Words in s. 21A(1) substituted (N.I.) (3.7.2006) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 13(2)**; [S.R. 2006/289](#), **art. 2(1)(b)**

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 21A. (See end of Document for details)

F4 S. 21A(4)(c) substituted (N.I.) (3.7.2006) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, 19(1), **Sch. 1 para. 13(3)**; S.R. 2006/289, **art. 2(1)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 21A.