



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

EMPLOYMENT

Occupational pension schemes and insurance services

17 Occupational pension schemes

- (1) Every occupational pension scheme shall be taken to include a provision (“a non-discrimination rule”)—
 - (a) relating to the terms on which—
 - (i) persons become members of the scheme; and
 - (ii) members of the scheme are treated; and
 - (b) requiring the trustees or managers of the scheme to refrain from any act or omission which, if done in relation to a person by an employer, would amount to unlawful discrimination against that person for the purposes of this Part.
- (2) The other provisions of the scheme are to have effect subject to the non-discrimination rule.
- (3) Without prejudice to section 67, regulations under this Part may—
 - (a) with respect to trustees or managers of occupational pension schemes make different provision from that made with respect to employers; or
 - (b) make provision modifying the application to such trustees or managers of any regulations made under this Part, or of any provisions of this Part so far as they apply to employers.
- (4) In determining, for the purposes of this section, whether an act or omission would amount to unlawful discrimination if done by an employer, any provision made under subsection (3) shall be applied as if it applied in relation to the notional employer.

18 Insurance services

- (1) This section applies where a provider of insurance services (“the insurer”) enters into arrangements with an employer under which the employer’s employees, or a class of his employees—
 - (a) receive insurance services provided by the insurer; or
 - (b) are given an opportunity to receive such services.
- (2) The insurer is to be taken, for the purposes of this Part, to discriminate unlawfully against a disabled person who is a relevant employee if he acts in relation to that employee in a way which would be unlawful discrimination for the purposes of Part III if—
 - (a) he were providing the service in question to members of the public; and
 - (b) the employee was provided with, or was trying to secure the provision of, that service as a member of the public.
- (3) In this section—

“insurance services” means services of a prescribed description for the provision of benefits in respect of—

 - (a) termination of service;
 - (b) retirement, old age or death;
 - (c) accident, injury, sickness or invalidity; or
 - (d) any other prescribed matter; and

“relevant employee” means—

 - (a) in the case of an arrangement which applies to employees of the employer in question, an employee of his;
 - (b) in the case of an arrangement which applies to a class of employees of the employer, an employee who is in that class.
- (4) For the purposes of the definition of “relevant employee” in subsection (3), “employee”, in relation to an employer, includes a person who has applied for, or is contemplating applying for, employment by that employer or (as the case may be) employment by him in the class in question.