



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

EMPLOYMENT

Discrimination by employers

6 Duty of employer to make adjustments

(1) Where—

- (a) any arrangements made by or on behalf of an employer, or
- (b) any physical feature of premises occupied by the employer,

place 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 arrangements or feature having that effect.

(2) Subsection (1)(a) applies only in relation to—

- (a) arrangements for determining to whom employment should be offered;
- (b) any term, condition or arrangements on which employment, promotion, a transfer, training or any other benefit is offered or afforded.

(3) The following are examples of steps which an employer may have to take in relation to a disabled person in order to comply with subsection (1)—

- (a) making adjustments to premises;
- (b) allocating some of the disabled person's duties to another person;
- (c) transferring him to fill an existing vacancy;
- (d) altering his working hours;
- (e) assigning him to a different place of work;
- (f) allowing him to be absent during working hours for rehabilitation, assessment or treatment;
- (g) giving him, or arranging for him to be given, training;

Status: This is the original version (as it was originally enacted).

- (h) acquiring or modifying equipment;
 - (i) modifying instructions or reference manuals;
 - (j) modifying procedures for testing or assessment;
 - (k) providing a reader or interpreter;
 - (l) providing supervision.
- (4) In determining whether it is reasonable for an employer to have to take a particular step in order to comply with subsection (1), regard shall be had, in particular, to—
- (a) the extent to which taking the step would prevent the effect in question;
 - (b) the extent to which it is practicable for the employer to take the step;
 - (c) the financial and other costs which would be incurred by the employer in taking the step and the extent to which taking it would disrupt any of his activities;
 - (d) the extent of the employer’s financial and other resources;
 - (e) the availability to the employer of financial or other assistance with respect to taking the step.

This subsection is subject to any provision of regulations made under subsection (8).

- (5) In this section, “the disabled person concerned” means—
- (a) in the case of arrangements 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.
- (6) 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).
- (7) Subject to the provisions of this section, nothing in this Part is to be taken to require an employer to treat a disabled person more favourably than he treats or would treat others.
- (8) Regulations may make provision, for the purposes of subsection (1)—
- (a) as to circumstances in which arrangements are, or a physical feature is, to be taken to have the effect mentioned in that subsection;
 - (b) as to circumstances in which arrangements are not, or a physical feature is not, to be taken to have that effect;
 - (c) as to circumstances in which it is reasonable for an employer to have to take steps of a prescribed description;
 - (d) as to steps which it is always reasonable for an employer to have to take;
 - (e) as to circumstances in which it is not reasonable for an employer to have to take steps of a prescribed description;
 - (f) as to steps which it is never reasonable for an employer to have to take;
 - (g) as to things which are to be treated as physical features;
 - (h) as to things which are not to be treated as such features.

- (9) Regulations made under subsection (8)(c), (d), (e) or (f) may, in particular, make provision by reference to the cost of taking the steps concerned.
- (10) Regulations may make provision adding to the duty imposed on employers by this section, including provision of a kind which may be made under subsection (8).
- (11) This section does not apply in relation to any benefit under an occupational pension scheme or any other benefit payable in money or money's worth under a scheme or arrangement for the benefit of employees 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.
- (12) This section imposes duties only for the purpose of determining whether an employer has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.