



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

EMPLOYMENT

Discrimination by other persons

14 Meaning of “discrimination” in relation to trade organisations

- (1) For the purposes of this Part, a trade organisation discriminates against a disabled person if—
 - (a) for a reason which relates to the disabled person’s disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
 - (b) it cannot show that the treatment in question is justified.
- (2) For the purposes of this Part, a trade organisation also discriminates against a disabled person if—
 - (a) it fails to comply with a section 15 duty imposed on it in relation to the disabled person; and
 - (b) it cannot show that its failure to comply with that duty is justified.
- (3) Subject to subsection (5), for the purposes of subsection (1) treatment is justified if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.
- (4) For the purposes of subsection (2), failure to comply with a section 15 duty is justified if, but only if, the reason for the failure is both material to the circumstances of the particular case and substantial.
- (5) If, in a case falling within subsection (1), the trade organisation is under a section 15 duty in relation to the disabled person concerned but fails without justification to comply with that duty, its treatment of that person cannot be justified under

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subsection (3) unless the treatment would have been justified even if the organisation had complied with the section 15 duty.

- (6) Regulations may make provision, for purposes of this section, as to circumstances in which—
- (a) treatment is to be taken to be justified;
 - (b) failure to comply with a section 15 duty is to be taken to be justified;
 - (c) treatment is to be taken not to be justified;
 - (d) failure to comply with a section 15 duty is to be taken not to be justified.