



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

[^{F1}THE EMPLOYMENT FIELD]

[^{F2}Employment]

Textual Amendments

- F2** 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

[^{F3}4 **Discrimination against applicants and employees.** **E+W+S**

- (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.

Status: Point in time view as at 01/10/2004.

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 Great Britain.]

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

Textual Amendments

- F3** Ss. 4-4F and cross-headings substituted (E.W.S) (3.7.2003 for certain purposes and 1.10.2004 otherwise) for ss. 4-6 by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), 5

Modifications etc. (not altering text)

- C1** S. 4 modified (E.W.) (2.3.1998 subject to art. 1(2) of the amending S.I.) by [S.I. 1998/218](#), arts. 1(2), 3(1), [Sch.](#) (with art. 3(2)(b))
 S. 4 modified (1.9.1999) by [S.I. 1999/2256](#), art. 3, [Sch.](#)
- C2** Ss. 4-6 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), [art. 3](#). {Sch.}
- C3** Ss. 4-6 modified (W.) (12.5.2006) by virtue of [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), art. 3, [Sch.](#)

[^{F10}4 **Discrimination against applicants and employees.** **N.I.**

- (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;

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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)

- (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.
- (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

E3 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

Textual Amendments

F10 [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

Status: Point in time view as at 01/10/2004.

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)

[^{F4}4A Employers: duty to make adjustments **E+W+S**

- (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

- 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

- F4** 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**

Modifications etc. (not altering text)

- C4** Ss. 4-6 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), **art. 3**. {Sch.}
- C5** Ss. 4-6 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), **art. 3, Sch.**

[^{F11}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

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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)

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

E4 This section extends to Northern Ireland only; a separate s. 4A exists for England, Wales and Scotland only until 1.10.2010.

Textual Amendments

F11 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)}

F⁵5 **Meaning of “discrimination”**

F6

Textual Amendments

F5 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)**

F6 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**

F⁷6 **Duty of employer to make adjustments.**

F8

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(2)**

Status: Point in time view as at 01/10/2004.

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F8 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.

F9

Textual Amendments

F9 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}

Status:

Point in time view as at 01/10/2004.

Changes to legislation:

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