

DISABILITY DISCRIMINATION

Employment

Information Sheet 4 - Association of Disabled Professionals

In 1995 the Disability Discrimination Act (DDA) was passed and for the first time disabled people have *some* protection against discrimination. But it is *not* the comprehensive anti-discrimination legislation we know we need. It does not give rights to *all* disabled people, and is limited to certain areas of life.

Employment is the area best covered at the moment, although if you work or want to work for an employer with less than 15 staff you have no protection. The actual numbers of people employed and by the whole business not one branch, count.

It is a very complicated Act. Many parts on employment will only become clear once disabled people have taken their employers to Employment Tribunals. We believe it is important that disabled people are aware of the rights they may have, but we cannot give legal advice about the DDA. Below are pointers to more help.

Most disabled people in full-time or part-time employment, or wanting to get into it, have a right not to be unjustifiably discriminated against. Some are still *not* covered including those in certain occupations like the armed services, fire-fighters, police *officers* (civilians in the police force are covered).

An employer can argue **justifiable discrimination**, but unless it is on the basis that you do not have the qualifications/skills for the job it is worth questioning. Many people make decisions about disabled people as employees on the basis of sweeping assumptions “No blind person could do.....” – and these are not acceptable. The decision must be made about *you* the individual concerned.

If you are in **self-employment** and someone is purchasing your services, through an agency or direct, you should be covered, but *not* if the problem is around a partnership. The DDA gives no rights to partners, or to people wanting to get into partnership, although people *employed* by a partnership are covered.

Trade Association membership – Trade Unions, Chambers of Commerce, professional bodies, and so on – is cover in a similar way to employment.

Reasonable adjustments are steps employers are required to consider to help ensure that if you have the skills for the job you

can do it – or continue to do it if you are already in employment and become disabled or your condition worsens. They include providing equipment, making alteration to your workplace, or agreeing flexible working arrangements. Information Sheet 6 gives more detail.

More Help and Advice

The **Disability Rights Commission** can advise and take test cases. Its website address is www.drc-gb.org

ACAS is the organisation which the Government has specifically asked to give advice on employment discrimination. If you cannot find your local office to contact, then any office can tell you. If you have a **union**, they *should* be able to advise you, but locally some officials are not as aware as they should be, and it may be worth contacting **TUDA**, an organisation of disabled people within the Union Movement, who can give you contacts and support. The **Disability Law Service** also advises disabled people and their carers for free. **RADAR** and in some cases specific impairment related charities nationally like RNIB, can give advice. There are a number of local disability organisations based projects to advise disabled people on their rights, for instance at **DIAL** in Leeds and in Chester. It is worth checking on what is available in your area. Yellow pages should have pointers to local disability advice or contact **DIAL UK**. If you have a local Law Centre they should be able to help you. The **Law Centres Federation** can help you to find the nearest to you. You may have a local solicitor who specialises in discrimination cases – the **Law Society** can tell you. **Russell Jones & Walker** a London based firm offers a free screening service to let you know if they feel you have a case.

Organisation Contact Details

ACAS London & SE Region, Clifton Hse, 83-117 Euston Road, London NW1 2RB

DIAL UK St Catherine's Hospital Tickhill Road, Balby, Doncaster DN4 8QN Tel(voice/text): 01302-310123 Fax: 01302-310404

Disability Law Service Room 241, 2nd Floor, 49-51 Bedford Row, London WC1R 4LR Tel(voice&text): 0171-831-8031 Fax: 0171-831-5582

RADAR 12 City Forum, 250 City Road, London EC1V 8AF

Russell Jones & Walker (Paul Daniels) 324 Grays Inn Road, London WC1X 8DH Tel:0171-837-2808 Fax: 0171-339-6409 Text: 0171-713-1710

TUDA (Trade Union Disability Alliance) c/o TUDA Membership

Secretary, 36 Foxes Way, Warwick CV34 6AY e-mail
Tudamail@aol.com Fax: 01273 722643

Other Useful Resources

DDA Helpline Freepost MIDO 2164, Stratford-upon-Avon CV37 9BR tel: 0345 622688 (recorded ordering service) 0345 622633 (operator) textphone: 0345 622644 fax: 0345 622611 has a range of Government produced booklets and factsheets on the DDA which are available free and they can give some advice.

Disability Discrimination Act 1995; a Code of Practice for employment; and *Guidance* the definition of disability, along with various regulations can be purchased from The Stationery Office.

Take Action! is a pack produced by RADAR. It provides information on DDA rights and how to enforce them with useful appendices on further help, standard forms, and sample letters. It costs £20. RADAR also produces *DDA Factsheets*.

The DDA, a TUC guide TUC Equal Rights Dept. Congress House, Great Russell Street, London WC1B 3LS

More in depth books on the DDA and discrimination

Disability Discrimination Law and Practice Doyle. pub. Jordans 0 85308 403 3

Disabling Laws, Enabling Acts Gooding. Pluto Press 0 7453 0771 X

Disabled People in Britain and Discrimination Barnes. pub. Hurst 1 85065 127 2

This Information Sheet is intended as guidance only and should not be relied on as legal advice.

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