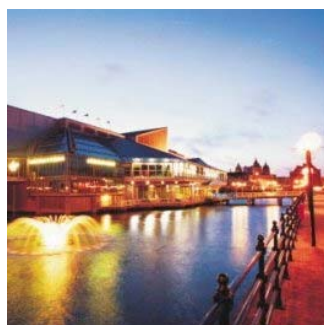


Disability Rights - A Guide for Employers

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October 2006



Definition of Disability

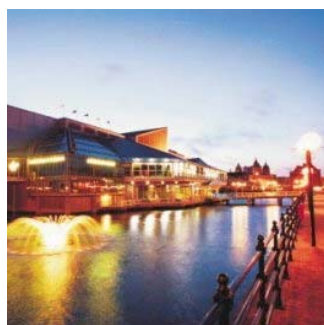
- 'Disabled Person' - legally defined as someone with a physical or mental impairment that has a substantial or long term adverse effect on his/her ability to carry out normal day to day activities.
- Normal day to day activities include;
 - Mobility, e.g. being able to walk to the local shop
 - Manual dexterity, e.g. typing
 - Physical co-ordination
 - Continence
 - Ability to lift and move everyday objects
 - Sensory impairment
 - Memory or ability to learn, concentrate and comprehend
 - Perception of the risk of physical danger
- Around one in five people of the working age are considered as being 'disabled' by the Government and the Disability Rights Commission.
- Those in this position are likely to have rights under the Disability Discrimination Act (DDA), as well as people with other conditions such as facial disfigurement.
- Disabilities can include dyslexia, epilepsy, schizophrenia and depression.

Employment Rights under the DDA

- The employer has a duty to make "reasonable adjustments" to premises and working practices to ensure a 'disabled person' is not at a substantial disadvantage compared to others. This includes the recruitment process and terms and conditions with regards to employment.
- These rights apply to those who have had a disability in the past, even if they have fully recovered, for example those who have had episodes of mental ill health.
- The DDA also refers to and covers issues regarding;
 - chances of promotion, transfer, training and benefits
 - unfair treatment compared to other workers
 - harassment and victimisation
 - unfair dismissal

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The Law

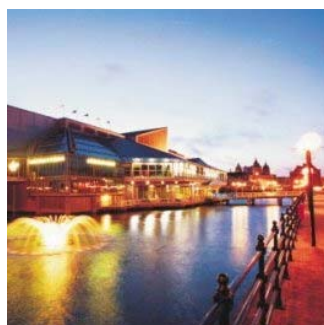
- An employer is unable to discriminate against someone that meets the definition of a 'disabled person' in the DDA because of their disability or long term health condition as it is against the law.
- The law prohibits discrimination in relation to employment of disabled people, including recruitment, training, promotion, benefits, dismissal, etc.
- The 1995 Act states that an employer must make "reasonable adjustments" for a disabled person put at a substantial disadvantage by a provision, criterion or practice, or a physical feature of premises.
- It also prohibits discrimination by trade organisations and qualifications bodies.
- Provides procedures for enforcement and provision of remedies for discrimination.
- The Disability Discrimination Act 1995 (DDA) states that *'it is unlawful for an employer of any size to discriminate against someone defined as disabled for the purposes of the Act for a reason that relates to disability'*.
- The law states that an employer must not discriminate someone with a disability or health condition in the following circumstances;
 - In the recruitment process
 - In terms and conditions of the person's employment
 - Opportunities for promotion, transfer, training or other benefits
 - Dismissal
 - By treating them less fairly than other workers
 - Harassment or victimisation

Definition of Discrimination

- Discrimination can happen in a number of ways;
 - Directly
 - Failure to comply with the duty to make 'reasonable adjustments'
 - Treating a 'disabled person' less favourably than another employee without a disability
 - Harassment
 - Victimisation

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How can an employer benefit?

The Disability Rights Commission say that recruiting and retaining one in five people who have a disability is not just about complying with the law but more about;

- Making your workforce more representative of the community it serves.
- Offering more choices when recruiting new members for your team if consider everybody's experience and do not judge if have disabilities.
- Increasing possibility that the selected person would be more likely to remain within the organisation, be committed work, good punctuality and low absence rates.
- Allowing for changes to made within an organisation that would benefit all which may not have been noticed prior to employing a 'disabled person'.
- Reflecting diversity in the British society.
- May bring different life experiences and new skills to your organisation.
- Showing equality and that all are treated fairly.
- Improves staff morale.

Further Information

Disability Discrimination Act 1995;

http://www.drc-gb.org/PDF/dda_1995.pdf

Disability Discrimination Act 2005;

http://www.drc-gb.org/PDF/dda_2005.pdf

Disability Rights Commission Act 1999;

<http://www.opsi.gov.uk/acts/acts1999/19990017.htm>

Disability Rights Commission;

<http://www.drc-gb.org/default.aspx>

This is the third in a series of business factsheets on diversity and cohesion issues, which reflect priorities in ONE HULL's new Community Strategy.