



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART II

#### [<sup>F1</sup>THE EMPLOYMENT FIELD]

#### <sup>F2</sup>[<sup>F3</sup>*Contract workers*]

##### Textual Amendments

- F2** Ss. 4-4K and cross-headings substituted for s. 4 and preceding cross-heading (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(1)**
- F3** 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(1)**

#### [<sup>F4</sup>4B **Contract workers** **E+W+S**]

- (1) It is unlawful for a principal, in relation to contract work, to discriminate against a disabled person who is a contract worker (a “disabled contract worker”)—
  - (a) in the terms on which he allows him to do that work;
  - (b) by not allowing him to do it or continue to do it;
  - (c) in the way he affords him access to any benefits or by refusing or deliberately omitting to afford him access to them; or
  - (d) by subjecting him to any other detriment.
- (2) It is also unlawful for a principal, in relation to contract work, to subject a disabled contract worker to harassment.
- (3) Subsection (1) does not apply to benefits of any description if the principal is concerned with the provision (whether or not for payment) of benefits of that

*Status: Point in time view as at 21/02/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Contract workers. (See end of Document for details)*

description to the public, or to a section of the public which includes the contract worker in question, unless that provision differs in a material respect from the provision of the benefits by the principal to contract workers.

- (4) This subsection applies to a disabled contract worker where, by virtue of—
- (a) a provision, criterion or practice applied by or on behalf of all or most of the principals to whom he is or might be supplied, or
  - (b) a physical feature of premises occupied by such persons,
- he is likely, on each occasion when he is supplied to a principal to do contract work, to be placed at a substantial disadvantage in comparison with persons who are not disabled which is the same or similar in each case.
- (5) Where subsection (4) applies to a disabled contract worker, his employer must take such steps as he would have to take under section 4A if the provision, criterion or practice were applied by him or on his behalf or (as the case may be) if the premises were occupied by him.
- (6) Section 4A applies to any principal, in relation to contract work, as if he were, or would be, the employer of the disabled contract worker and as if any contract worker supplied to do work for him were an employee of his.
- (7) However, for the purposes of section 4A as applied by subsection (6), a principal is not required to take a step in relation to a disabled contract worker if under that section the disabled contract worker’s employer is required to take the step in relation to him.
- (8) This section applies only in relation to contract work done at an establishment in Great Britain (the provisions of section 68 about the meaning of “employment at an establishment in Great Britain” applying for the purposes of this subsection with the appropriate modifications).
- (9) In this section—
- “principal” means a person (“A”) who makes work available for doing by individuals who are employed by another person who supplies them under a contract made with A;
- “contract work” means work so made available; and
- “contract worker” means any individual who is supplied to the principal under such a contract.]

#### Extent Information

- E1** This section extends to England, Wales and Scotland only until 1.10.2010; a separate s. 4B exists for Northern Ireland only from 21.2.2004.

#### Textual Amendments

- F4** [Ss. 4-4F](#) and cross-headings substituted (E.W.S.) for [ss. 4-6](#) and preceding cross-heading (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(1)**

#### Modifications etc. (not altering text)

- C1** [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.}
- C2** [Ss. 4-6](#) modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order \(S.I. 2006/1073\)](#), [art. 3](#), {Sch.}

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**[<sup>F5</sup>4B Contract workers N.I.]**

- (1) It is unlawful for a principal, in relation to contract work, to discriminate against a disabled person who is a contract worker (a “disabled contract worker”) –
  - (a) in the terms on which he allows him to do that work;
  - (b) by not allowing him to do it or continue to do it;
  - (c) in the way he affords him access to any benefits or by refusing or deliberately omitting to afford him access to them; or
  - (d) by subjecting him to any other detriment.
- (2) It is also unlawful for a principal, in relation to contract work, to subject a disabled contract worker to harassment.
- (3) Subsection (1) does not apply to benefits of any description if the principal 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 contract worker in question, unless that provision differs in a material respect from the provision of the benefits by the principal to contract workers.
- (4) This subsection applies to a disabled contract worker where, by virtue of –
  - (a) a provision, criterion or practice applied by or on behalf of all or most of the principals to whom he is or might be supplied, or
  - (b) a physical feature of premises occupied by such persons,he is likely, on each occasion when he is supplied to a principal to do contract work, to be placed at a substantial disadvantage in comparison with persons who are not disabled which is the same or similar in each case.
- (5) Where subsection (4) applies to a disabled contract worker, his employer must take such steps as he would have to take under section 4A if the provision, criterion or practice were applied by him or on his behalf or (as the case may be) if the premises were occupied by him.
- (6) Section 4A applies to any principal, in relation to contract work, as if he were, or would be, the employer of the disabled contract worker and as if any contract worker supplied to do work for him were an employee of his.
- (7) However, for the purposes of section 4A as applied by subsection (6), a principal is not required to take a step in relation to a disabled contract worker if under that section the disabled contract worker’s employer is required to take the step in relation to him.
- (8) This section applies only in relation to contract work done at an establishment in Northern Ireland (the provisions of section 68 about the meaning of “employment at an establishment in Northern Ireland” applying for the purposes of this subsection with the appropriate modifications).
- (9) In this section –
  - “principal” means a person (“A”) who makes work available for doing by individuals who are employed by another person who supplies them under a contract made with A;
  - “contract work” means work so made available; and
  - “contract worker” means any individual who is supplied to the principal under such a contract.]

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#### **Extent Information**

- E2** This section extends to Northern Ireland only; a separate s. 4B exists for England, Wales and Scotland only until 1.10.2010.

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#### **Textual Amendments**

- F5** [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(1)**

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**Changes to legislation:**

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