



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART II

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

#### *[<sup>F1</sup>Meaning of “discrimination” and “harassment”*

#### [<sup>F1</sup>3A Meaning of “discrimination”

- (1) For the purposes of this Part, a person discriminates against a disabled person if—
  - (a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply, and
  - (b) he cannot show that the treatment in question is justified.
- (2) For the purposes of this Part, a person also discriminates against a disabled person if he fails to comply with a duty to make reasonable adjustments imposed on him in relation to the disabled person.
- (3) Treatment is justified for the purposes of subsection (1)(b) if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.
- (4) But treatment of a disabled person cannot be justified under subsection (3) if it amounts to direct discrimination falling within subsection (5).
- (5) A person directly discriminates against a disabled person if, on the ground of the disabled person’s disability, he treats the disabled person less favourably than he treats or would treat a person not having that particular disability whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person.
- (6) If, in a case falling within subsection (1), a person is under a duty to make reasonable adjustments in relation to a disabled person but fails to comply with that duty, his

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*Status: Point in time view as at 03/07/2003. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 3A. (See end of Document for details)*

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treatment of that person cannot be justified under subsection (3) unless it would have been justified even if he had complied with that duty.]

#### **Textual Amendments**

- F1** Ss. 3A, 3B and cross-heading inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations (S.I. 2003/1673), regs. 1(2)(3), {4(2)} and said sections and cross-heading inserted (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), {4(2)}

**Status:**

Point in time view as at 03/07/2003. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 3A.