

Disability Discrimination Act



Information sheet

The Disability Discrimination Act 1995 (DDA) Part II - Employment Provisions The duty of reasonable adjustment(s)

The Act says that the duty [of reasonable adjustment] applies where any ¹physical feature of premises occupied by the employer, or any ²arrangements made by or on behalf of the employer, cause a substantial disadvantage to a disabled person compared with a non-disabled person.

An employer has to take such steps as is reasonable for him to have to take in all the circumstances to prevent that disadvantage - in other words the employer has to make a “reasonable adjustment”.

1. The term “**physical features**” includes anything on the premises arising from a building’s design or construction or from an approach to, exit from or access to such building; fixtures, fittings, furnishings, furniture, equipment or materials; and any other physical element or quality of land in the premises. All of these are covered whether temporary or permanent.
2. The Act says that the duty applies to “**arrangements**” for determining to whom employment should be offered and any term, condition or arrangement on which employment, promotion, transfer, training or any other benefit is offered or afforded. The duty applies in recruitment and during employment; for example selection and interview procedures and the arrangements for using premises for such procedures as well as job offers, contractual arrangements, and working conditions.

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Reasonable 'steps'

The Code of Practice gives examples of steps which employers may have to take, if it is reasonable for them to have to do so in all the circumstances of the case, to comply with this part of the DDA:

- making adjustments to premises
- allocating some of the disabled person's duties to another person
- transferring him/her to fill an existing vacancy
- altering his/her working hours
- assigning him/her to a different place of work
- allowing him/her to be absent during working hours for rehabilitation, assessment or treatment
- giving him/her, or arranging for him/her to be given, training
- acquiring or modifying equipment
- modifying instructions or reference manuals
- modifying procedures for testing or assessments
- providing a reader or interpreter
- providing supervision

In determining whether it is reasonable for an employer to have to take a particular step in order to comply with this section of the DDA, consideration should be made to:

- the extent to which taking the step would prevent the effect in question
- the extent to which it is practicable for the employer to take the step
- the financial and other costs which would be incurred by the employer in taking the step and the extent to which taking it would disrupt any of the employer's activities
- the extent of the employer's financial and other resources
- the availability to the employer of financial or other assistance with respect to taking the step

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Where the resources of the employer are spread across more than one “business unit” or “profit centre” the calls on them should also be taken into account in assessing reasonableness. It is more likely to be reasonable for an employer with a substantial number of staff to have to make certain adjustments, than for a smaller employer.