

## ● Further details

### **Disability Rights Commission (DRC) Helpline**

Free advice if you feel you have been treated unfairly.

Open 08:00 to 20:00, Monday to Friday

See back page of this leaflet for details.

See also on the DRC website ([www.drc-gb.org/knowyourrights/employment.asp](http://www.drc-gb.org/knowyourrights/employment.asp))

'Employment, health and disability – Getting in, staying in and getting on'.

### **Disability Alliance**

Publishers of the Disability Rights Handbook, can advise on tax credits and are regarded as the leading authority on social security benefits for disabled people.

Disability Alliance  
 Universal House  
 88-94 Wentworth Street  
 London E1 7SA

Telephone (voice and minicom): 020 7247 8776  
 Fax: 020 7247 8765

### **Disability Gov**

Information about UK disability legislation and disabled people's rights.

Website: [www.disability.gov.uk](http://www.disability.gov.uk)

## EMP6

If you require this publication in an alternative format and/or language please contact the Helpline to discuss your needs. It is also available on the DRC website: [www.drc-gb.org](http://www.drc-gb.org)

The DRC Language Line service offers an interpretation facility providing information in community languages and is available on the DRC Helpline telephone number 08457 622 633. You can email the DRC Helpline from our website: [www.drc-gb.org](http://www.drc-gb.org)

### **Other leaflets currently available**

- What are reasonable adjustments?
- Health and safety
- Discipline and dismissal
- Pensions
- Sick leave, sick pay and medical appointments
- Redundancy
- Getting into work – my rights

-  **Telephone** 08457 622 633
-  **Textphone** 08457 622 644
- Fax** 08457 778 878
- Website** [www.drc-gb.org](http://www.drc-gb.org)
-  **Post** DRC Helpline  
 FREEPOST MID 02164  
 Stratford upon Avon  
 CV37 9BR

# Who has rights under the Disability Discrimination Act 1995 and 2005 (DDA)?



**A series of leaflets providing practical advice and information on getting and keeping employment**

# If you have an impairment or a long-term health condition that has an impact on your day-to-day life you are likely to have rights under the DDA.

## ● Am I disabled?

Impairments and health conditions take many forms and people are affected in different ways. A recent survey showed that 52 per cent of people who qualified as 'disabled' under the DDA did not use the word 'disabled' to describe themselves. Even if your impairment or condition is not obvious and you do not describe yourself as disabled you may still have rights.

The DDA was created to protect people from discrimination. It provides people with rights and places duties on employers and those providing services to the public.

## ● Am I covered under the DDA?

To qualify as disabled under the DDA both of the following circumstances must apply to you:

### 1 You have 'a physical or mental impairment'.

- **Physical impairment** covers a number of conditions that affect the body such as arthritis, hearing or sight impairment, diabetes, asthma, epilepsy, conditions such as HIV, cancer and multiple sclerosis, as well as facial disfigurement.
- **Mental impairment** covers learning disabilities and mental health conditions, such as depression and schizophrenia.

### 2 The impairment has 'substantial' and 'long-term' negative effects on your ability to carry out normal 'day-to-day activities'.

- A **substantial** impairment will make it more difficult and time consuming for you to carry out an activity compared to someone without the impairment.
- **Long-term** means that your impairment has lasted or will last for 12 months or more, or for the rest of your life.
- **Normal day-to-day activities** involve mobility, manual dexterity, physical co-ordination, continence, ability to lift and carry everyday objects, speaking, hearing, seeing, memory, ability to concentrate, ability to learn and understand, and perception of the risk of physical danger.

## ● How can the DDA help me?

If you are disabled under the terms of the DDA you have rights in:

- employment
- education
- access to goods, facilities and services
- buying or renting land or property.

Your rights under the DDA include not being treated unfairly purely because of a particular condition. In education, employment and access to goods and services, they also include having reasonable adjustments made to enable you to get a job, stay in work or use services.

## ● The 2005 Disability Discrimination Act

The duty to promote disability equality builds on the 1995 DDA but is essentially a new approach. It places duties and responsibilities on public bodies to promote equality for disabled people, thereby removing the sole burden of legal recourse from disabled people. It is not about new entitlements for individuals but identifying and tackling disabling barriers for groups. It focuses on organisational change rather than individual adjustments.

It changes the DDA 1995 in crucial ways:

- the definition now includes people with MS, cancer and HIV from the point of diagnosis and removes the requirement that a mental impairment is 'clinically well-recognised' (which has never been necessary for physical impairment)
- larger private clubs are now covered
- public functions are now covered
- rights to a service and to reasonable adjustments on board transport vehicles will be covered from December 2006
- a new Disability Equality Duty for the public sector also comes into force in December 2006
- the employment regulations (2004) shift the 'burden of proof' from the disabled person to the employer; this means effectively that the onus is on the employer to demonstrate that they have not discriminated against a disabled person, rather than requiring the disabled person to prove that they have been discriminated against.

For more information on the Disability Equality Duty, please go to the DRC website.