

**The Disability Discrimination Bill:  
Implications for HEIs  
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## **Disability Discrimination Act 1995**

Part 1 – defines disability and a disabled person

Part 2 – Employment

Part 3 – Goods, Facilities and Services

Part 4 – Education

Part 5 – Transport

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**DDA 1995: ECU Guidance  
on employment**

- Recruitment
- Promotion, transfer or training
- Receiving any other benefits
- Terms and conditions of employment
- Treatment at work
- Dismissal or other detrimental treatment

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### **Reasonable adjustments**

- Make adjustments to premises
- Allocate some of the disabled person's duties to another person
- Transfer him or her to an existing vacancy
- Alter his or her working hours
- Assign him or her to a different place of work
- Allow him or her to be absent from work for rehabilitation, assessment or treatment.

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## **Employment Tribunal remedies**

- Award compensation and damages
- Recommend action to reduce or remove the discrimination

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**Disability Discrimination:  
further developments**

Amendments to Part 3 in October 2004

Amendments to Part 4 in October 2005

Disability Discrimination Bill expected to come  
into force in spring 2005

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## **Disability Discrimination Bill**

### **Part 1**

Extension to the definition of disability to clearly include more people.

### **Part 2**

Amended to cover a third party who publishes a discriminatory advertisement (eg a newspaper) as well as the person placing it.

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## **Disability Discrimination Bill**

### **Part 3**

Amended so that landlords or managers who unreasonably refuse to change a practice, policy, procedure or term can be challenged.

### **New Part 5A**

Imposition of a duty on public authorities to eliminate unlawful discrimination and promote equality of opportunity.

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**Implications for HEIs**  
**Expansion of the definition of disability**

People will be protected against discrimination if they

have cancer, HIV and multiple sclerosis.

**Advertisements**

Making sure that editors of institutional publications

are aware that they will be liable if they publish discriminatory ads.

**Protection in relation to accommodation**

Introduction of a procedure to deal with requests for

an alternative to the established practice, policy, procedure or term.

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**Positive Duty (1)** A positive duty to promote race equality in

public sector organisations was introduced in the Race Relations (Amendment) Act

The Disability Discrimination Bill introduces the same concept for disability.

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**Positive Duty (2)** In common with the RRAA, the Act will specify:

- the need to *eliminate* discrimination
- the need to *promote* equality of opportunity

The RRAA also specified the need to promote good relations between persons of different racial groups. There is no parallel to this in the Disability Bill.

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**What is a positive duty?** It can be met by:

- examining the institutional dynamics
- enabling the potential of an institution
- facilitating inclusion within the institution

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**Integrating and mainstreaming disability**

**equality**•Openly committing both to eliminating disability discrimination, and also striving to create a working environment based on good relations between disabled people and non-disabled people.

- Using diverse images in all material that demonstrates a positive inclusive ethos.

- Ensuring that the full range of facilities in an institution are accessible.

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**Integrating and mainstreaming disability equality**•Making sure that job advertisements, descriptions and recruitment materials are accessible.

- Evaluation of the institution's recruitment, promotion and training practices.
- Disability awareness training for staff.

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**Next steps (1)**•Specific duties will be set out (cf. RRAA)

- There will be consultation on these over the summer
- There will be a Statutory Code for England and Wales, and a separate - but not necessarily different - Code for Scotland (cf. RRAA)
- The Statutory Code consultation will begin in January 2005

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**Next steps (2)** It is expected that:

- the Bill will be passed in May 2005
- implementation will come into force from September 2006
- the final version of the Statutory Code for all UK jurisdictions will be published **one year** before the implementation date

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•**Scotland**Equalities legislation is in principle reserved to the Westminster Parliament, but Clause 8 of the Disability Bill, in dealing with promoting equality of opportunity for disabled people, falls partly within the the devolved competence of the Scottish Parliament.

At the appropriate time, the UK Government will seek to obtain confirmation from the Scottish Parliament that is is content for the Westminster Parliament to legislate for Scotland in this devolved area.

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**What is the ECU doing?**•Having round table discussions with the DRC, DfES and others about the implications of the new legislation for HEIs (first meeting held on 25 May 2004)

- Publishing guidance
- Raising awareness

For information and contact details, see:

**[www.ecu.ac.uk](http://www.ecu.ac.uk)**