

DISABILITY DISCRIMINATION ACT 1995

Information Sheet 3 - Association of Disabled Professionals

Members of the Association of Disabled Professionals (ADP) have been closely associated, over many years, with the campaign to secure legislation banning discrimination against disabled people. The founder-Chairman of ADP, Sir Peter Large CBE, was appointed by the Rt. Hon Alf Morris AO QSO MP, then Minister for the Disabled, to Chair the Committee on Restrictions Against Disabled People (CORAD). Several members of ADP served on this Committee which, in 1982, recommended comprehensive anti-discrimination legislation.

ADP was the first organisation to support the call for anti-discrimination legislation in the United Kingdom. Since then we have been deeply involved in every effort in Parliament to secure effective legislation. We helped draft sections of several of the Private Members' Bills introduced over the years. The experiences of members who have suffered discrimination have been used to back up the demand for legislation.

Although its original provisions fell far short of what was required, ADP welcomed the then Government's acknowledgement of the need for anti-discrimination legislation, in the introduction of their Disability Discrimination Bill. ADP worked diligently with other organisations to widen the Bill's scope and generally improve it. Unfortunately, despite some success, the Disability Discrimination Act 1995 (the DDA) still falls far short of what we fought for earlier.

ADP will work with anyone and everyone to see the DDA is as effective as possible in preventing discrimination against disabled people. We will also work to secure the improvements in its provisions which we know are still needed, in addition to any which prove, through its operation, necessary to prevent discrimination against disabled people.

The DDA brings rights for disabled people only in certain spheres of life – employment (but only if your employer has 15 or more employees); the supply of goods, facilities and services; and the letting, sale and management of dwellings. Apart from employment, these sections are not fully in force and the current Government has indicated the final ones are unlikely to be brought in before 2004.

In addition the DDA allows the Government to make provisions regarding access to the *means* of transport, and information provision on access in education. Both education and the means of transport are otherwise specifically excluded from the Act, and any provisions introduced will give no rights to individual disabled people themselves. Enforcement will be in the control of Government.

The Act does *not* cover all areas where disabled people encounter discrimination, for example in partnerships, or the exercise of civic duties. Nor is *everyone* who encounters disability discrimination given protection, such as people who are HIV positive but have yet to develop symptoms, and those who experience discrimination as a result of a relationship with a disabled person. In addition one of its major shortcomings is the fact that there is no Commission, as for race and gender, which can advise and take test cases. The current Government is, however, now setting up a Disability Rights Commission.

The Published Legal Documents (from The Stationery Office)

Disability Discrimination Act 1995

Code of Practice: Rights of Access - Goods, Facilities, Services and Premises

Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability

Guidance on matters to be taken into account in determining questions relating to the definition of disability

Statutory Instruments

1996 No.1333 Disabled Persons The Disability Discrimination (Sub-leases and Sub-tenancies) Regulations 1996

1996 No.1455 Disabled Persons The Disability Discrimination (Meaning of Disability) Regulations 1996

1996 No.1456 Disabled Persons The Disability Discrimination (Employment) Regulations 1996

1996 No.1836 Disabled Persons The Disability Discrimination (Services and Premises) Regulations 1996

Free Information available from the DDA Helpline Freepost MIDO 2164, Stratford-upon-Avon CV37 9BR tel: 0345 622688 (recorded ordering service) 0345 622633 (operator) textphone: 0345 622644 fax: 0345 622611

Other Useful Resources

Report by the Committee on Restrictions Against Disabled People (CORAD) 1982

Lessons from America Scott 1994, and *Disability Discrimination Act Factsheets*

All available from RADAR, 12 City Forum, 250 City Road, London EC1V 8AF

Accounting for Discrimination - estimating the costs of excluding disabled people from the work force, and Civil Rights or Discriminating Law - why we're still campaigning for full civil rights, and Rights Now! Campaign Resource Pack

Available from Rights Now! c/o RADAR as above

Skill's Guide to the DDA; Eight Steps to Developing Disability Statements (FE); Higher Education Disability Statements, a guide to strategic planning all available from Skill, Chapter House, Crucifix Lane, London SE1 3JW tel(voice/text): 0171 450 0620 fax: 0171 450 0650 Website: www.skill.org.uk

The DDA, a TUC guide TUC Equal Rights Dept. Congress House, Great Russell Street, London WC1B 3LS

Disability Discrimination Law and Practice Doyle. pub. Jordans 0 85308 403 3

Disabling Laws, Enabling Acts Gooding. Pluto Press 0 7453 0771 X

Disabled People in Britain and Discrimination Barnes. pub. Hurst 1 85065 127 2