

## Organisations' responses to the Disability Discrimination Act

By Claire Simm, Jane Aston, Ceri Williams, Darcy Hill, Anne Bellis and Nigel Meager

### Background

This research explores how employers and service providers are responding to the Disability Discrimination Act (DDA) 1995 and DDA 2005. The research builds on a similar study undertaken in 2003 and is based on 2,000 telephone interviews and 50 case studies among employers and goods, facilities and service providers.

### Key findings

- Most establishments (80 per cent) were aware of the employment provisions of the DDA, although fewer were aware of the provisions relating to goods, facilities and services (66 per cent). Awareness of both aspects has increased since 2003.
- Employers continue to have a fairly narrow perception of disability, mainly focusing on sensory and mobility impairments.
- Compared with 2003, employers displayed more positive attitudes towards employing disabled people. Those who had experience of disabled staff and who were aware of the DDA tended to have the most positive views.
- Eighty-four per cent of employers that have had disabled staff and eighty-seven per cent of all goods, facilities and service providers had made, or were planning, adjustments to assist disabled people. Most workplace adjustments related to flexible working time or work organisation, while most of those for customers and clients were changes to physical accessibility.
- The majority of those who had made adjustments found them to be easy, with most employers (69 per cent) and goods, facilities and service providers (74 per cent) reporting no difficulties. Planning constraints and cost were the main problems.
- Most changes were motivated by an interplay of factors. These included 'doing the right thing', business benefits such as meeting customer need and keeping up with competition, and corporate social responsibility, as well as the DDA.
- Many small establishments in particular felt they would like more information: both generally, and on specific issues such as financial assistance for making adjustments, and what types of adjustment might be considered 'reasonable'.

### The Disability Discrimination Act

The DDA was passed in 1995 and came into force in December 1996. Under its employment provisions (Part 2), it is unlawful to treat a disabled employee less favourably than a non-disabled employee for a reason related to their disability. The Act also requires an employer to make 'reasonable adjustments' where the person concerned is at a substantial disadvantage compared with non-disabled people. Initially, businesses with fewer than 20 employees were exempt, but this exemption was reduced to 15 employees in 1999 and removed altogether in October 2004. Service in the Armed Forces is the only remaining exception.

The provisions relating to access to goods, facilities and services (Part 3) were implemented over time and in stages. From October 2004, the DDA has required goods, facilities and service providers to take reasonable steps to address physical features that act as an obstacle for disabled people to access their services.

In 2005, a new DDA was passed by Parliament, extending and amending the existing provisions. Among other things, this included:

- extending the DDA to cover the membership of private clubs with 25 or more members;
- extending protection to include people with HIV, cancer and Multiple Sclerosis from the point of diagnosis; and
- ensuring that discrimination law covers all the activities of the public sector.

## Awareness and understanding of the DDA

Most employers (80 per cent) had heard of the DDA Part 2, while two-thirds of goods, facilities and service providers had heard of the DDA Part 3 (66 per cent). Awareness of both aspects of the DDA has increased substantially since 2003. In relation to the DDA 2005 extensions:

- Awareness of the extension of Part 3 to public functions was limited to just one-third (36 per cent) of the relevant organisations.
- Private clubs tended to be less aware of the employment provisions than they were of those regarding services, partly because they had little experience of employing disabled people. Many did not distinguish between providing services to members, and providing services to the public, in relation to the DDA.
- Understanding that someone diagnosed with cancer or someone diagnosed HIV positive would be included within the DDA definition of disability was generally low (19 per cent and 12 per cent respectively).

There was some evidence that the DDA definition of disability was becoming more widely used, although many continued to equate mainly physical and visible impairments with 'disability'.

## Recruiting and employing disabled people

Almost half the establishments reported having employed at least one disabled member of staff within the past ten years (47 per cent) and around one-third (34 per cent) knowingly employed at least one disabled person, at the time of the survey. However, just half of the establishments (52 per cent) routinely collected information on health or disabilities from job applicants.

Employers generally displayed more positive attitudes towards recruiting and employing disabled people than they had in 2003. The results showed that more would find it 'easy' and fewer would find it 'impossible' to employ someone across a range of impairments, although there were differences in views by industrial sector, according to the occupation and the disability being considered.

Just one-fifth (22 per cent) regarded taking on a disabled person as a risk for the employer and one-third (33 per cent) felt they would find it difficult to retain an employee who became disabled: significant declines since 2003. Having employed a disabled person and being aware of the DDA were both associated with more positive views.

## Adjustments to recruitment practices and procedures

The most common types of recruitment adjustment were: providing disability awareness training to staff involved in recruitment (45 per cent); guaranteeing disabled job applicants an interview (41 per cent); and checking at interview whether the applicant would need any adjustments (38 per cent).

## Adjustments related to employment

In line with 2003, most establishments (84 per cent) which had employed disabled staff within the past ten years reported they had made an employment-related adjustment at their workplace. The most common were: flexible working time (56 per cent); physical adjustments to the workplace, workstation or work environment (53 per cent); and flexible work organisation (50 per cent).

The majority had experienced no difficulties making these adjustments (69 per cent). Part of the reason for this was that many changes were relatively straightforward for establishments to make, and many did not have a direct cost attached. The minority (26 per cent) that had experienced problems cited planning constraints and cost as the main ones.

## Adjustments related to goods, facilities and service provision

Most establishments (87 per cent) had made or planned adjustments to their provision of goods, facilities and services. By far the most common were changes to physical accessibility (68 per cent), and changes to the way the service could be provided (59 per cent).

The majority of establishments who had made changes had not encountered any difficulties (74 per cent). Just less than a quarter had (23 per cent), the main one being cost. Some had found alternatives to making physical changes (which were generally the most expensive), such as providing the service in a different way.

## Influence of the DDA

For both employment and service-related adjustments, the most important reason for making adjustments was that it was the right thing to do for disabled staff or customers/clients (61 per cent and 72 per cent in each case).

The legislation was the second most common factor (mentioned by 43 per cent of employers and 47 per cent of goods, facilities and service providers). However, the majority who had made adjustments reported they would have made at least some of them without the legislation. The case studies revealed a more complex picture, suggesting that the DDA was a key influence, particularly in the case of physical adjustments to accessibility made in relation to the October 2004 duties.

## Sources of information and advice

One-third of establishments (33 per cent) had looked for advice on the employment of disabled people: significantly higher than in 2003.

The main sources of advice were internal ones such as human resource departments and head offices. Specialist consultants, associations or charities dealing with disability, and local authorities were also used.

While some (mainly small employers) wanted to know where to look for basic information about their main responsibilities, others wanted advice on specific issues such as financial support for making adjustments, clarifying the status of adjustments for VAT-exemption, and clarifying what is 'reasonable'.

## Conclusion

Analysis shows that it is consistently the larger establishments, those in the voluntary or public sector, and those that already have experience of disabled staff who are most likely to: be aware of either the DDA Part 2 or Part 3; have made adjustments for disabled applicants, employees or customers; have a wider understanding of disability; and have more positive attitudes towards disabled staff.

The challenge is to encourage these trends to filter down into the smaller, often single-site establishments, in sectors which do not traditionally think of themselves as being able to employ disabled staff or cater for disabled customers. Avenues such as sectoral information targeting (in particular, combating common misconceptions relating to perceptions of what is covered by the DDA definition of disability, and what is entailed by 'reasonable adjustments') as well as encouraging more networking between small businesses and disability organisations, may help to speed up this process.

The full report of these research findings is published for the Department for Work and Pensions by Corporate Document Services (ISBN 978 1 84712 150 9. Research Report 410. February 2007). It is available from Paul Noakes at the address below.

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