# The Disability Discrimination Act 1995 and how it can help you if you are blind and partially sighted

The Disability Discrimination Act 1995 (DDA) is a law in Northern Ireland which means that it is illegal for people to discriminate against you because of your sight loss. In this factsheet we explain what the DDA is, how it can protect you against different forms of discrimination, and what to do if you are discriminated against.

The DDA is the law in Northern Ireland only; in the rest of the UK the Equality Act 2010 replaced the DDA. If you live in England, Wales or Scotland and would like more information on the Equality Act, you can download our factsheets at **rnib.org.uk/equalityact** or call our Helpline on **0303 123 9999**.

If you would like further information on how the DDA applies to employment situations, please see our “The Disability Discrimination Act 1995 – your rights in employment” factsheet.

## What is the Disability Discrimination Act 1995?

The Disability Discrimination Act 1995 (DDA) is a law to make sure people are not discriminated against because of a disability they have.

The DDA protects the rights of people with disabilities in different areas, including:

* employment
* education
* access to goods, facilities and services, such as banks, supermarkets and renting property.

These protected rights mean that if you are treated less favourably as a result of your disability than someone in the same situation who does not have a disability then you can challenge this treatment under the DDA.

## Will I be protected under the DDA?

If you have been certified as severely sight impaired (blind) or sight impaired (partially sighted) by a consultant ophthalmologist, then you are automatically protected under the DDA.

If you have not had your sight loss certified but believe you have been discriminated against because you have sight loss, you may still be protected under the DDA. Call our Advice Service through our Helpline on **0303 123 9999** for more information and to discuss your circumstances with us.

## What is considered discrimination under the DDA?

The DDA protects you from different kinds of discrimination. These apply in a range of different situations and include:

### Direct discrimination

This is where you have been treated less favourably than another person because of your disability. For example, a cinema insists you sit in the back row because they assume you cannot see anything and say you are taking up a better seat for someone who can see.

### Failure to make a reasonable adjustment

If your sight loss means you need help to carry out a job, access services, or require being served in a certain way, service providers and employers should attempt to make “reasonable adjustments” to make sure you are not treated less favourably than someone who doesn’t have sight loss.

A failure to make a reasonable adjustment for a disabled person can be considered a type of discrimination.

For example, if you have difficulty reading your bank statements in standard print, you should be able to ask you bank to send these in your preferred format. If your bank refuses or continues to send you information in a format you can’t read, this can be a form of discrimination.

### Victimisation

Thisis where you have been treated unfavourably because you made a complaint about your treatment as a disabled person or helped someone else make a complaint under the DDA, and suffered as a result.

## The Disability Equality Duty for public authorities

Public authorities have a legal duty, called the Disability Equality Duty, to promote the equality of disabled people in everything they do.

Certain public authorities also have to publish a Disability Equality Scheme. Each authority’s scheme includes information on how people with a disability have been involved in developing services and how the authority will promote positive attitudes and equality of opportunity for disabled people.

The Disability Equality Duty for public authorities goes beyond the need to not discriminate against people based on their disability and emphasises the fact that equality of opportunity for disabled people cannot be achieved by treating everyone the same. Reasonable adjustments will often need to be made to ensure true equality, and this sometimes means treating people with a disability more favourably than others (sometimes referred to as “positive discrimination”).

## I think someone has discriminated against me. What can I do?

How you should respond to an act of discrimination will depend on what sort of service you were trying to access or where you were at the time.

### Employment discrimination

If you have been discriminated against at work, or when applying for a job, you can:

* Raise a formal grievance or complaint
* Seek “Alternative Dispute Resolution” (ADR), such as independent mediation
* Take your case to an Employment Tribunal

For more information on how to deal with employment discrimination, see our “The Disability Discrimination Act 1995 – your rights in employment” factsheet.

### Goods, facilities and services discrimination

If you have been discriminated against when trying to buy a good, access facilities or use a service, making a formal complaint should be your first step.

Also, the owner or manager of the service provider might not know about the situation you encountered, and a complaint is a way to let them know. It could mean that a company provides refresher training to front-line staff and improves their customer service for all customers with a disability.

If a complaint doesn’t resolve the situation, then there are other actions you can take, including seeking independent mediation or conciliation through a specialist provider.

Your final step could be to start court proceedings in the County Court. This must be done **six months less one day from the date of the discrimination**.

The Northern Ireland Equalities Commission can give assistance in resolving disputes before they go to court. You may also get advice from the Law Centre NI or your local Citizens Advice Bureau.

## Further information

### The Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland (ECNI) website has plenty of information on disability discrimination. If you have any questions, you can contact their Discrimination Advice Officers who can offer assistance to make a discrimination complaint.

Tel: **028 90 500 600**

Textphone: **028 90 500 589**

Fax: **028 90 248 687**

Email: [information@equalityni.org](mailto:information@equalityni.org)

Web: [equalityni.org](http://www.equalityni.org)

### ACAS (for employment cases)

In employment cases, ACAS (Advisory Conciliation and Arbitration Service) can act as a “go between” between employee and employer. ACAS will try and help you reach a settlement of your case before it goes to Employment Tribunal (as well as once a case has been started in the tribunal). Either party can contact ACAS direct.

Web: [acas.org.uk](http://www.acas.org.uk)

### Labour Relation Agency for Northern Ireland

Can offer a service for employment cases in Northern Ireland.

Tel: **028 9032 1442**

Web:[lra.org.uk](http://www.lra.org.uk)

### Law Centre NI

Tel: 028 9024 4401

Web: [lawcentreni.org](http://www.lawcentreni.org)

### Citizens Advice Bureaux (CAB)

The Association can direct you to your nearest CAB.

Tel: **020 7833 218**

Web: [citizensadvice.co.uk](http://www.citizensadvice.co.uk)

### RNIB Helpline

If you would like any more information about the Disability Discrimination Act, our Advice Service is available through our Helpline on **0303 123 9999** or by emailing [helpline@rnib.org.uk](mailto:helpline@rnib.org.uk).

As well as putting you in touch with our specialist advice services, our Helpline is your direct line to all the other support, advice and products available from RNIB.

If you contact our Helpline, we can:

* give you information about your eye condition and available treatments
* provide emotional support from qualified counsellors
* let you know about the people, services and organisations available to help people with sight loss in your local area
* help you join and use our library service of over 40,000 titles in braille, Moon, giant print and audio.

We’re ready to answer your call Monday – Friday 8am – 8pm and Saturday 9am – 1pm. You can also email us at [helpline@rnib.org.uk](mailto:helpline@rnib.org.uk).

Calls cost no more than a standard rate call to a 01 or 02 number, and count towards any inclusive minutes in the same way as 01 and 02 calls. The price of calls varies between different providers, including between landline and mobile companies, so check with your provider if you are unsure.



RNIB Legal Rights Service

2022