

Types of disability discrimination

Some types of discrimination apply to all 'protected characteristics', including disability. These are:

- direct discrimination
- indirect discrimination
- harassment
- victimisation

For full definitions of each type of discrimination, read our advice on [discrimination and the Equality Act 2010](#).

There are also 2 types of discrimination unique to disability. These are:

- discrimination arising from disability
- failure to make reasonable adjustments

Direct discrimination

Direct disability discrimination is when someone is put at a disadvantage or treated less favourably because:

- they're disabled
- they have a connection with someone who's disabled – this is called 'discrimination by association'
- someone else thinks they're disabled when they are not – this is called 'discrimination by perception'

[Read the full definition of direct discrimination](#)

Example of direct discrimination

Mo has a job interview and is offered the job. After Mo tells the employer about their disability, the employer withdraws the job offer. The employer then offers the job to someone who's not disabled. If the employer's reason for withdrawing the offer was because Mo is disabled, this is direct discrimination.

Example of discrimination by association when there's a close connection

Jo has a disabled child. They take several days off at short notice to take their child to medical appointments related to their disability. Jo overhears their manager say, "the amount of time off that child causes is not acceptable". The next day, Jo is dismissed. If the employer's reason is because of the time off, this is likely to be discrimination by association.

Example of discrimination by association when there's not a close connection

Pat volunteers at the weekends, driving a minibus to take people with a learning disability on day trips. Pat's manager sees Pat doing this. At work, the manager makes inappropriate and offensive comments about Pat and the people on the trip. The manager also starts finding excuses to exclude Pat from team activities. This is discrimination by association. It could also be harassment.

Example of discrimination by perception

Raja has been behaving differently lately because of an upsetting personal situation outside of work. Some people in the team complain about Raja's 'unpredictable' behaviour. They spread rumours that Raja has a serious mental health condition. They continue to do this, even after Raja explains the situation and says sorry for behaving differently.

This could be discrimination by perception. The people at work wrongly believe Raja has a mental health condition and they're treating Raja less favourably because of this.

Indirect discrimination

Indirect disability discrimination is when a working practice, policy or rule applies to everyone but puts a person or group at a disadvantage because of their disability.

[Read the full definition of indirect discrimination](#)

Example of indirect discrimination

Jay has type 1 diabetes and works in a factory. The rest break policy says everyone has a lunch break at the same time, with no other breaks. Jay sometimes needs snacks between meals to help manage their diabetes.

Jay's employer says they will not make any changes to the policy. This is indirect discrimination.

It does not matter that nobody else with type 1 diabetes works in the factory. It is still indirect discrimination if the policy would disadvantage anyone who's affected by type 1 diabetes in the same way as Jay.

Discrimination arising from disability

'Discrimination arising from disability' is a type of discrimination. It means discriminating because of something that results from a disability, not because of the disability itself.

Things that result from someone's disability could include:

- absence from work because of regular hospital appointments
- a change in behaviour because of the medication someone is taking
- needing regular rest breaks or toilet breaks
- having an assistance dog

For this type of discrimination, the law applies if someone is treated 'unfavourably' or put at a disadvantage. It does not need a comparison with how other people are treated.

It does not apply if the person or organisation treating the person unfavourably did not know, and could not reasonably have known, about the disability.

Sometimes there can be 'objective justification' for discrimination arising from disability. This is where an employer has a genuine need to make a decision that leads to lawful discrimination. For example, something resulting from someone's disability might mean they cannot do a certain job even if reasonable adjustments are made.

Example of discrimination arising from disability

Mae has cancer. They need time off for hospital treatment and recovery. Their manager follows the company's procedure for too much absence. They give Mae a warning. This means Mae cannot apply for promotion.

This could be discrimination arising from disability. The company could have made a reasonable adjustment so this did not happen. For example they could record these absences differently from standard absences.

Failure to make reasonable adjustments

'Failure to make reasonable adjustments' is a type of discrimination. It can happen when an employer does not make reasonable adjustments for someone who needs them.

Adjustments are changes an employer makes to remove or reduce a disadvantage related to someone's disability. Employers must make reasonable adjustments by law. What is reasonable depends on each situation.

[Find out more about reasonable adjustments](#)

Example of a failure to make reasonable adjustments

Bobby's disability means they cannot work as quickly as others in the team. Bobby asks for their workload to be slightly reduced as a reasonable adjustment. The employer refuses. They say it's unfair if one person is allowed to do less work. This is likely to be a failure to make reasonable adjustments.

The employer might be able to justify their refusal if:

- Bobby had requested a much larger reduction of work and the organisation could not accommodate it
- they could offer a different reasonable adjustment to help Bobby manage a full workload

Harassment

Disability-related harassment is when someone experiences unwanted behaviour related to disability.

To be harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment

[Read the full definition of harassment](#)

Example of harassment directed at a specific person

Shar sometimes loses their balance because they have multiple sclerosis (MS). People at work regularly make comments and jokes about it, which makes Shar feel humiliated and uncomfortable. This is harassment because of disability.

Example of harassment not directed at a specific person

Andi hears a group of people at work making offensive comments about someone who has a learning disability. Andi has also seen them getting the person in trouble by persuading them to do something wrong. Andi is intimidated and offended by this.

This behaviour is not aimed at Andi. But it could still be harassment if it's created a hostile environment for them at work.

Victimisation

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint.

It does not matter if the complaint was made by them or someone else. The law also protects someone from victimisation if someone else thinks they're involved with a complaint.

Ways someone can be victimised include being labelled a troublemaker, being left out, or not being allowed to do something.

[Read the full definition of victimisation](#)

Example of victimisation

Ali made a formal complaint because their manager did not make the reasonable adjustments they had agreed. Since then, Ali's manager has become very critical of Ali, picking on them in front of other staff. They've also stopped Ali from applying for promotion. Ali believes this is happening because of the formal complaint. This is likely to be victimisation.

When a decision on disability might not be discrimination

In certain circumstances under the law an employer might be able to make or justify a decision based on disability. For example:

- positive action – to help a disadvantaged or underrepresented group
- objective justification – for example when there's a genuine business need
- occupational requirement – when having a particular disability is essential for a job
- a disability discrimination exemption – when you can specifically advertise for and recruit a disabled person

Find out more about:

- [positive action](#)
- [objective justification](#)
- [an occupational requirement in recruitment](#)

Contact the Acas helpline

If you have any questions about disability discrimination, you can [contact the Acas helpline](#).

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