



THE DISABLED PERSONS (EMPLOYMENT) ACT, 1944

REGISTRATION

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(Note: The schemes described in this leaflet are for the benefit of men and women, and boys and girls who have left school.)

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THE PURPOSE OF THE ACT

1. The object of the Disabled Persons (Employment) Act, 1944, is to assist all those who need to work for their living but, who are handicapped by some form of disablement, to get employment, or work on their own account, which, while suited to their disability, makes the best possible use of their abilities, skill, qualifications and experience. Most disabled people can take their place with others in the ordinary work of the country and, with a careful choice of occupation, hold their own in normal competition with their fellows.

2. The Act provides for the establishment and maintenance by the Minister of Labour and National Service of a Register of disabled persons. Registration is voluntary but it is an advantage to all disabled people because, if they do not register, they cannot benefit from the employment provisions of the Act which are described in the next paragraph. If they are unemployed, registration will help them to secure employment. If they are employed, registration will add a degree of security to their employment.

EMPLOYMENT PROVISIONS OF THE ACT

3. The employment provisions of the Act are:—

(1) THE QUOTA SCHEME:

The Act requires every employer with 20 or more workers to employ a certain number or quota of registered disabled persons. The quota for each employer is a percentage (at present three) of the total number of his employees. In this way, employers who are engaging workers are required to consider specially the claim of registered disabled people who are suitable for the work. Any employer who is below his quota has to get a permit from the Minister for the engagement of a person who is not registered as disabled unless that person is a former employee with reinstatement rights. A permit is not issued to an employer who is below his quota if there is a registered disabled person suitable for the job and willing to take it. An employer is not required to engage any particular worker who is registered as disabled nor is a disabled person required to accept any particular offer of employment. Another provision is that an employer may not discharge a registered disabled person without reasonable cause if he is below his quota or if the discharge would bring him below it.

(2) A person who is in employment when his registration lapses continues to be counted as "registered" for so long as he remains in that employment even though an application for renewal of registration is rejected. But if he becomes unemployed he will not then be a "registered" disabled person and, therefore, will lose the benefit of registration in seeking other employment. If, however, he is eligible he may apply for renewal of registration at this stage.

(3) DESIGNATED EMPLOYMENT:

The object of designating a class of employment is to reserve future vacancies in that employment for registered disabled persons who are suitable for it. Two classes of employment have been designated, namely, car park attendants and passenger electric lift attendants. Without a permit from the Minister an employer may not engage for these employments anyone who is not registered as disabled, other than a former employee with reinstatement rights. Such a permit will not be issued if there is a registered disabled person who is suitable for the job and willing to take it.

(4) EMPLOYMENT UNDER SPECIAL (SHELTERED) CONDITIONS:

Some disabled persons are unable to take employment under ordinary competitive conditions because of the severity of their disablement. In addition to the facilities available through voluntary organisations and local authorities, employment under special or sheltered conditions is being provided by a special company known as "Remploy, Limited", which has 90 factories in various parts of the country, mainly in industrial areas. The company is also endeavouring to develop home workers' schemes for persons who cannot get to the factories and such schemes are now being operated in a few towns. All applications for sheltered employment should be made through a local office of the Ministry of Labour and National Service, at which information can be obtained of Remploy factories and special workshops provided by voluntary undertakings or local authorities. Young persons under 18 years of age may obtain advice on these matters from any Youth Employment Office.

INDUSTRIAL REHABILITATION AND VOCATIONAL TRAINING

4. In addition to the facilities described in paragraph 3, the Act provides for:—

(1) Industrial rehabilitation courses for those who, on completion of medical treatment, are not fully fit to return to work or to undertake a full time course of vocational training, or who, through long unemployment have got out of touch with working conditions.

(2) Courses of vocational training for those in need of training to enable them to undertake employment, or work on their own account, of a kind suited to their age, experience and general qualifications.

Information can be obtained from any office of the Ministry of Labour and National Service about these courses.

D.R.O. SERVICE

5. At every Local Office of the Ministry of Labour and National Service there is a Disablement Resettlement Officer (the D.R.O.) whose special duty is to advise disabled men and women and to help them to get suitable employment. Disabled persons entering employment are invited to keep the D.R.O. informed of their progress and to consult him if the job presents difficulties in which he may be able to help. The D.R.O. is in touch with all hospitals in his area and visits the patients; any disabled patient who is worried about his future and wishes to have a talk with the D.R.O. should tell the hospital authorities who will arrange a visit. A disabled person may call at any time at a local office and ask for a private interview with the D.R.O. to be arranged. For those under 18 years the interview will be at the Youth Employment Office. Those over 18 seeking advice about professional or executive work will be interviewed at the nearest Appointments Office.

WHO CAN REGISTER ?

DEFINITION OF DISABLEMENT

6. A disabled person under the Act is a person who on account of injury, disease or congenital deformity is substantially handicapped in getting or keeping suitable employment, or work on his own account. This means that the Act covers disablements from all causes, whether due to war service of any kind, or industrial, road or other accident, or deformity from birth. It means also that disablement due to disease is recognised equally with that due

to wounds or injury. The receipt of war disablement pension (except from the 1914 - 18 war) does not of itself constitute a disablement within the meaning of the Act; the test in every case is whether there is a substantial handicap for work which would otherwise be suitable.

7. Disabled persons who are in employment can apply for registration equally with those who are seeking employment. An employer will wish to know how many of his employees are registered, so that he can ascertain his quota position and carry out his obligations. A disabled person who is registered is given a certificate which he will be able to produce to an employer.

CONDITIONS FOR REGISTRATION

8. The main conditions for registration are:—

(1) Applicant must show that he is disabled within the definition in paragraph 6 above, *viz*:—

that he is substantially handicapped in getting or keeping suitable employment, or work on his own account.

(2) The disablement must be one that is likely to last for at least six months after registration.

9. For an ex-Service man who is still receiving a disablement pension from the 1914 - 18 war, conditions (1) and (2) above will be regarded as satisfied and no proof of disablement required. He may, if he wishes, himself apply for registration, or his employer may apply for him. (The term "1914 - 18 disablement pensioner" is defined in the Act, and the definition is reproduced in Appendix 1.)

10. Other conditions for registration are that the applicant:—

(1) Is "ordinarily resident in Great Britain".

(2) Desires some form of remunerative employment, or work on his own account in Great Britain; *and*

(3) Has a reasonable prospect of obtaining and keeping employment or work on his own account.

The Minister has decided to treat as "ordinarily resident in Great Britain", any person who is so resident at the time of the application and either has resided there for two years immediately before or intends to reside there permanently. Those (other than foreign nationals—*see* paragraph 11) who have served whole-time in H.M. Forces, or in the Merchant Navy, or in the Women's Services shown in Appendix 2 are not required to satisfy this condition of residence.

FOREIGN NATIONALS

11. Foreign nationals who are in Great Britain for the time being and who since 1st September, 1939 have given twelve months service in the British or Allied Armed Forces, or Mercantile Marine, or in work of national importance in Great Britain, are eligible for registration. Foreign nationals who have not completed such service may qualify exceptionally. The acceptance for registration of a foreign national does not imply that any conditions to which he may be subject under the Aliens' Order have been waived or that he will be allowed to remain permanently in Great Britain.

NON-ELIGIBILITY FOR REGISTRATION

12. The following are not eligible for registration:—

(1) Children below statutory school leaving age.

(2) Whole-time patients in hospitals, sanatoria or similar institutions—save in very exceptional circumstances.

(3) Persons who are of habitual bad character.

HOW TO REGISTER

13. Application for registration may be made at any Local Office of the Ministry of Labour and National Service. It should be made by the disabled person himself but in exceptional cases it may be made by someone on his behalf. In the case of persons under the age of 18, application should be made at a Youth Employment Office and the applicant should be accompanied by a parent or guardian.

MEDICAL EVIDENCE OF DISABLEMENT

14. Proof that the disablement is one which is likely to last for at least six months after registration (*see* paragraph 8 (2)), will depend in many cases on medical evidence. Where the disablement is obvious—for example, limb injury or amputation—further medical evidence will not be required; in other cases a medical report may already exist at the Local Office of the Ministry of Labour and National Service, for example, from the hospital where the applicant has recently been interviewed by the D.R.O. If the disablement is not obvious and there is not sufficient medical evidence to enable an applicant for registration to be decided, the applicant may be asked to produce a medical certificate from a doctor. He can get a special form for this purpose from the Local Office. If the medical evidence produced is not conclusive the applicant may be required to undergo an examination by a doctor appointed for the purpose.

15. An applicant who is referred by the Ministry to a selected doctor for a report will be reimbursed within certain limits for any loss of earnings through his attendance for the examination; if he has to travel an appreciable distance his fares will be paid and he will receive a subsistence allowance based on the distance travelled.

16. Where the conditions are clearly satisfied, the applicant will be registered by the Local Office forthwith, but where there is any doubt, the application will be referred to a Disablement Advisory Committee (or a Panel set up by the Committee) for recommendation. The applicant will be invited to attend before the Committee (or Panel) and may be represented by an official or a representative of his Trade Union or a Society assisting disabled persons. The hearing will be private unless the applicant agrees to his case being dealt with in public. No application will be rejected without reference to a Committee (or Panel). The final decision rests with the Minister who is required by the Act to consider any recommendation from a Committee (or Panel).

17. A Committee (or Panel) which is dealing with applications involving medical questions will have the advice of a doctor specially appointed by the Minister for this purpose. Medical certificates supplied by the applicants and medical reports obtained by the Ministry of Labour and National Service will be referred, subject to the applicant's consent, to the Committee (or Panel) for their confidential information.

REGISTRATION CERTIFICATE

18. A certificate is issued to every applicant who has been registered and his name is entered in the Register kept at the Local Office of the Ministry of Labour and National Service. The certificate is for the applicant's own use but his employer (or if he is seeking employment, a prospective employer) has a right to ask for the certificate to be produced so that he can satisfy himself that the applicant is registered. The certificate is the property of the Minister, and should be kept with great care; the responsibility for its safety, rests with the applicant but it may be deposited at any time at the Local Office and a receipt for it will be issued. If a certificate is lost or badly damaged

the Local Office should be informed so that a duplicate can be issued if necessary. The Local Office should also be notified of any change of name or address during the currency of the certificate.

THE REGISTER

19. When the name of a disabled person has been entered on the Register he is eligible for the employment provisions of the Act.

REMOVAL OF NAMES FROM THE REGISTER

20. The name of a registered disabled person may be removed from the Register if he:—

- (1) Fails at any time to satisfy any of the conditions referred to in paragraph 10 above or if he becomes disqualified under paragraphs 12 (2) or (3); or
- (2) Has “persistently and without reasonable cause” refused to undertake suitable employment or work on his own account; or
- (3) Has “without reasonable cause” refused to attend or complete a course of vocational training or rehabilitation which, in the opinion of the Minister is suitable in his case.

No name will be removed from the Register during the currency of registration without reference to a Disablement Advisory Committee (or Panel) (see paragraph 23). The applicant will have an opportunity of appearing before the Committee (or Panel) and may bring with him a friend or representative. The final decision rests with the Minister but the Minister is required to consider the recommendation made by a Committee (or Panel).

PERIOD OF REGISTRATION AND RENEWAL

21. The registration of a “1914-18 disablement pensioner” will last, subject to the normal conditions until his pension ceases. If his pension ceases, he may apply for registration to be renewed and, in order to avoid any gap should apply within two months. In all other cases the period of registration will depend upon the nature of the disablement and other circumstances. The expiration date is shown on the certificate. Registration may be renewed, and in order to avoid any gap, a renewal application should be made within two months before the date of expiry. A reminder is sent to every registered person in time to give him an opportunity of applying for renewal. A fresh certificate will be issued showing a new expiry date every time registration is renewed.

THE NATIONAL ADVISORY COUNCIL ON THE EMPLOYMENT OF THE DISABLED AND DISABLEMENT ADVISORY COMMITTEES

22. So that the help and guidance of persons competent and interested in the work of rehabilitation and resettlement of the disabled may be made readily available, the Minister has set up advisory bodies at national and local levels. The National Advisory Council on the Employment of the Disabled consists of an equal number of representatives of employers and of workers, representatives of the medical profession, ex-Service interests, and other persons with a special knowledge or interest in the problem of resettling the disabled.

23. Nearly 300 Disablement Advisory Committees have been set up throughout Great Britain. Each is also composed of an equal number of employers' and workers' representatives, together with a doctor (or doctors) and other persons with a special knowledge of or interest in the problem of disablement. Registration questions are dealt with as a rule by Panels of these Committees and a doctor is in attendance at any Panel meeting where a medical question is involved. Any person whose application is referred to a Committee (or Panel)

will be notified when and where the Committee (or Panel) intend to consider his case, to give him an opportunity to attend or be represented at the hearing. If he attends he will be reimbursed within certain limits for any loss of earnings and may qualify for payment of fares and subsistence as already mentioned in paragraph 15.

PREFERENCE FOR EX-SERVICE MEN AND WOMEN

24. The Act provides for preference in submission for employment to be given to ex-Service men and women who are registered as disabled. This means that if an employer notifies to the Local Office of the Ministry of Labour and National Service a vacancy for a disabled person and there are several applicants equally suitable for the job it will be the duty of the Local Office to submit first the name of any registered disabled ex-Service man or woman. This preference applies to:—

- (1) Men who have served whole-time in H.M. Forces or the Merchant Navy; or
- (2) Women who have served whole-time in any of the Services shown in Appendix 2.

This preference is not limited to those who have served in the 1939 - 45 war: service in the 1914 - 18 war or at any other time, will qualify without regard to the date or cause of the disablement. Thus, an ex-Service man who becomes disabled after discharge from the Services has the same right to preference as a disabled man who was disabled during his service.

NORTHERN IRELAND

25. The Act does not apply to Northern Ireland but the Government of Northern Ireland has passed a similar Act and both Acts work together; registration in either country is accepted by the other.

APPENDIX 1

(Para. 9)

DEFINITION OF 1914 - 18 DISABLEMENT PENSIONER

The expression "1914 - 18 Disablement Pensioner" means a person in receipt of or entitled to receive

- "(a) under any Royal Warrant, Order in Council, Order or Scheme administered by the Minister of Pensions and relating to the retired pay or pensions of officers, seamen, marines, sailors, airmen or other persons disabled within the meaning of that Warrant or other instrument in consequence of any war carried on as mentioned in section two of the War Pensions Act, 1920, retired pay or a pension in respect of his disablement within the meaning of that instrument, or an allowance granted to him in lieu of such retired pay or of such a pension by reason of his undergoing any special course of medical treatment or undergoing treatment in an institution or receiving training in a technical institution or otherwise; or
- (b) under any government war obligation within the meaning of the Government War Obligations Act, 1914 - 1919, any payment for compensation in respect of his having been injured on any merchant ship or fishing vessel."

APPENDIX 2

(Paras. 10 and 24)

WOMEN'S SERVICES

1. Member of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.
2. Member of the Women's Royal Naval Service.
3. Woman medical practitioner serving in the Royal Navy or any naval reserve.
4. Member of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof.
5. Member of the Territorial Army Nursing Service or any reserve thereof.
6. Member of the Auxiliary Territorial Service.
7. Women employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as officer.
8. Member of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.
9. Member of the Women's Auxiliary Air Force.
10. Women employed with the Medical Branch of the Royal Air Force with relative rank as officer.
11. Member of the Voluntary Aid Detachments, employed under the Admiralty, Army Council or Air Council.
12. Member of the Women's Royal Army Corps.
13. Member of the Women's Royal Air Force.
14. Member of Queen Alexandra's Royal Army Nursing Corps.

OR

any force raised and maintained under the Army and Air Force (Women's) Service Act, 1948.

Ministry of Labour
and National Service
St. James's Square, LONDON, S.W.1.

D.P.L.1.

October, 1950