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## **Federal Act on the Elimination of Discrimination against People with Disabilities (Disability Discrimination Act, DDA)**

of 13 December 2002 (Status as of 1 July 2020)

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*The Federal Assembly of the Swiss Confederation,*

on the basis of Articles 8 paragraph 4, 87, 92 paragraph 1 and 112 paragraph 6 of the Federal Constitution<sup>1</sup>,  
and having considered the Dispatch of the Federal Council dated 11 December 2000<sup>2</sup>,  
*decrees:*

### **Section 1      General Provisions**

#### **Art. 1            Purpose**

<sup>1</sup> The Act has the purpose of preventing, reducing or eliminating discrimination against people with disabilities.

<sup>2</sup> It lays down general conditions that make it easier for people with disabilities to participate in society and in particular to cultivate social contacts independently, and to have access to basic and advanced education and training and to employment.<sup>3</sup>

#### **Art. 2            Definitions**

<sup>1</sup> In this Act, a *person with a disability* is a person who, due to a physical, mental or psychological impairment which is likely to be permanent, finds it difficult or is unable to carry out everyday tasks, cultivate social contacts, move around, obtain an education or training, or work.<sup>4</sup>

<sup>2</sup> *Discrimination* occurs when persons with disabilities are treated in legal or practical terms differently from persons without disabilities and thus without material

AS **2003** 4487

<sup>1</sup> SR **101**

<sup>2</sup> BBl **2001** 1715

<sup>3</sup> Amended by Annex No 3 of the FA of 20 June 2014 on Continuing Education and Training, in force since 1 Jan. 2017 (AS **2016** 689; BBl **2013** 3729).

<sup>4</sup> Amended by Annex No 3 of the FA of 20 June 2014 on Continuing Education and Training, in force since 1 Jan. 2017 (AS **2016** 689; BBl **2013** 3729).

justification are disadvantaged when compared to persons without disabilities, or when they are not treated differently but different treatment is necessary to ensure that persons with disabilities have the same rights as persons without disabilities.

<sup>3</sup> *Discrimination relating to access to a building, a structure, a dwelling or a public transport facility or vehicle* occurs when access for persons with disabilities is not possible for structural reasons or is only possible with difficulty.

<sup>4</sup> *Discrimination in obtaining a service* occurs when it is impossible or only possible with difficulty for persons with disabilities to obtain a service.

<sup>5</sup> *Discrimination in access to general and advanced education and training* occurs in particular when:

- a. it is difficult for persons with disabilities to use aids or obtain the necessary assistance from other persons;
- b. the duration and organisation of the course and examinations are not adapted to the specific needs of persons with disabilities.

### **Art. 3** Scope of application

This Act applies to:

- a. publicly accessible buildings and structures where authorisation for the construction or renovation of their publicly accessible areas is granted following the commencement of this Act;
- b. publicly accessible public transport facilities (buildings, structures, communications systems, ticket offices and machines) and vehicles that are subject to any of the following Acts:
  1. the Railways Act of 20 December 1957<sup>5</sup>,
  - 2.<sup>6</sup> ...
  - 3.<sup>7</sup> the Passenger Transport Act of 20 March 2009<sup>8</sup>,
  - 4.<sup>9</sup> the Trolleybus Act of 29 March 1950<sup>10</sup>,
  - 5.<sup>11</sup> the Federal Act of 3 October 1975<sup>12</sup> on Inland Navigation,
  6. the Civil Aviation Act of 21 December 1948<sup>13</sup>, or

<sup>5</sup> SR 742.101

<sup>6</sup> Repealed by No I 1 of the FA of 28 Sept. 2018 on the Organisation of Railway Infrastructure, with effect from 1 July 2020 (AS 2020 1889; BBl 2016 8661).

<sup>7</sup> Amended by No I 1 of the FA of 28 Sept. 2018 on the Organisation of Railway Infrastructure, in force since 1 July 2020 (AS 2020 1889; BBl 2016 8661).

<sup>8</sup> SR 745.1

<sup>9</sup> Amended by No I 1 of the FA of 28 Sept. 2018 on the Organisation of Railway Infrastructure, in force since 1 July 2020 (AS 2020 1889; BBl 2016 8661).

<sup>10</sup> SR 744.21

<sup>11</sup> Amended by No I 1 of the FA of 28 Sept. 2018 on the Organisation of Railway Infrastructure, in force since 1 July 2020 (AS 2020 1889; BBl 2016 8661).

<sup>12</sup> SR 747.201

<sup>13</sup> SR 748.0

- 7.<sup>14</sup> the Cableways Act of 23 June 2006<sup>15</sup>, with the exception of ski lifts and aerial cableways with fewer than nine places in each transport unit;
- c. residential buildings with more than eight residential units where authorisation for their construction or renovation is granted following the commencement of this Act;
  - d. buildings with more than 50 workplaces where authorisation for their construction or renovation is granted following the commencement of this Act;
  - e.<sup>16</sup> services that are in principle made available to any person by undertakings that require an infrastructure licence under Article 5 of the Railways Act of 20 December 1957 or a passenger transport licence under Article 6 of the Passenger Transport Act of 20 March 2009, other licensed undertakings or state authorities;
  - f. basic and advanced education and training;
  - g. employment contracts under the Federal Personnel Act of 24 March 2000<sup>17</sup>.

**Art. 4** Relationship with cantonal law

This Act shall not override cantonal provisions that are more favourable to persons with disabilities.

**Art. 5** Federal and cantonal measures

<sup>1</sup> The Confederation and the cantons shall take measures to prevent, reduce or eliminate discrimination; in doing so, they shall take account of the special needs of women with disabilities.

<sup>2</sup> Appropriate measures to alleviate discrimination against persons with disabilities do not constitute unequal treatment under Article 8 paragraph 1 of the Federal Constitution.

**Art. 6** Services provided by private entities

Private entities that offer public services may not discriminate against persons with disabilities due to their disabilities.

<sup>14</sup> Inserted by No I 1 of the FA of 28 Sept. 2018 on the Organisation of Railway Infrastructure, in force since 1 July 2020 (AS **2020** 1889; BBl **2016** 8661).

<sup>15</sup> SR **743.01**

<sup>16</sup> Amended by No I 1 of the FA of 28 Sept. 2018 on the Organisation of Railway Infrastructure, in force since 1 July 2020 (AS **2020** 1889; BBl **2016** 8661).

<sup>17</sup> SR **172.220.1**

## Section 2 Legal Rights and Procedures

### Art. 7 Legal rights relating to buildings, facilities or vehicles

<sup>1</sup> Any person suffering discrimination as defined in Article 2 paragraph 3 may when a building or structure as defined in Article 3 letters a, c and d is constructed or renovated:

- a. during the building authorisation procedure, request the competent authority that the discrimination cease;
- b. by way of exception, claim in civil proceedings a legal right to the elimination of discrimination on conclusion of the building authorisation procedure, where the failure to take the measures required by law was not recognisable during the building authorisation procedure.

<sup>2</sup> Any person who suffers discrimination as defined in Article 2 paragraph 3 in relation to a public transport facility or vehicle as defined in Article 3 letter b may request the competent authority to order the licensed undertaking to eliminate or cease the discrimination.<sup>18</sup>

### Art. 8 Legal rights in the case of services

<sup>1</sup> Any person who suffers discrimination as defined in Article 2 paragraph 4 by a licensed undertaking or a state authority may request a court or an administrative authority to order the provider of the service to eliminate or cease the discrimination.<sup>19</sup>

<sup>2</sup> Any person suffers discrimination as defined in Article 2 paragraph 5 by a state authority may request a court or an administrative authority to order the state authority to eliminate or cease the discrimination.

<sup>3</sup> Any person who suffers discrimination as defined in Article 6 may claim compensation in a court.

### Art. 9 Right of organisations for persons with disabilities to appeal and take legal action

<sup>1</sup> Organisations for persons with disabilities operating throughout Switzerland that have been established for at least ten years may take legal action in cases of discrimination that affect a substantial number of persons with disabilities.

<sup>2</sup> The Federal Council shall designate the organisations entitled to appeal.

<sup>3</sup> These organisations have a right of appeal:

- a. in civil proceedings to declare that there is discrimination as defined in Article 6;

<sup>18</sup> Amended by No 11 of the FA of 16 March 2012 on the Second Stage of Railways Reform 2, in force since 1 July 2013 (AS **2012** 5619, **2013** 1603; BBl **2011** 911).

<sup>19</sup> Amended by No 11 of the FA of 16 March 2012 on the Second Stage of Railways Reform 2, in force since 1 July 2013 (AS **2012** 5619, **2013** 1603; BBl **2011** 911).

- b. in proceedings to grant authorisation for the construction or the renovation of buildings and structures in order to enforce the legal rights defined in Article 7;
- c. in proceedings by the federal authorities for planning approval and for the registration or testing of vehicles under:
  - 1. Article 13 paragraph 1 of the Road Traffic Act of 19 December 1958<sup>20</sup>,
  - 2. Article 18 and 18w of the Railways Act of 20 December 1957<sup>21</sup>,
  - 3. Article 11 and 13 of the Federal Act of 29 March 1950<sup>22</sup> on Trolleybus Companies,
  - 4.<sup>23</sup> Articles 8 14 and 15b paragraph 2 of the Federal Act of 3 October 1975<sup>24</sup> on Inland Navigation,
  - 5. Article 37 of the Air Navigation Act of 21 December 1948<sup>25</sup>,
  - 6.<sup>26</sup> Article 9 of the Cableways Act of 23 June 2006<sup>27</sup>;
- d. against rulings by the federal authorities on the granting of licences under:
  - 1. Articles 28 and 30 of the Air Navigation Act of 21 December 1948,
  - 2. Article 14 of the Telecommunications Act of 30 April 1997<sup>28</sup>,
  - 3. Article 10 of the Federal Act of 21 June 1991<sup>29</sup> on Radio and Television.

<sup>4</sup> The authority shall give notice of rulings under paragraph 3 letters c and d that may be subject to an appeal by organisations for persons with disabilities to the organisations in writing or by publication in the Official Federal Gazette or in the cantonal publication organ. An organisation that does not file an appeal may only participate in subsequent proceedings as a party if the ruling is amended such that persons with disabilities are discriminated against.

<sup>5</sup> If objection proceedings are conducted before a ruling is issued, notice must be given of the application in accordance with paragraph 4. An organisation has a right of appeal only if it was a party to the objection proceedings.

#### **Art. 10** Costs of the proceedings

<sup>1</sup> Proceedings under Articles 7 and 8 are free of charge.

<sup>20</sup> SR **741.01**

<sup>21</sup> SR **742.101**

<sup>22</sup> SR **744.21**

<sup>23</sup> Amended by No II 1 of the FA of 17 March 2017, in force since 1 Jan. 2020 (AS **2019** 1749; BBl **2016** 6435).

<sup>24</sup> SR **747.201**

<sup>25</sup> SR **748.0**

<sup>26</sup> Amended by No I 1 of the FA of 16 March 2012 on the Second Stage of Railways Reform 2, in force since 1 July 2013 (AS **2012** 5619, **2013** 1603; BBl **2011** 911).

<sup>27</sup> SR **743.01**

<sup>28</sup> SR **784.10**

<sup>29</sup> [AS **1992** 601, **1993** 3354, **1997** 2187 Annex No 4, **2000** 1891 No VIII 2, **2001** 2790 Annex No 2, **2002** 1904 Art. 36 No 2, **2004** 297 No I 3 1633 No I 9 4929 Art. 21 No 3, **2006** 1039 Art. 2. AS **2007** 737 Annex No I]. See now the FA of 24 March 2006 (SR **784.40**).