

EU Network of Legal Experts on Non-Discrimination Annual Conference 2010

EU Disability Non-Discrimination Law in Practice

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Discussion Topics

- 1. To whom should protection from disability discrimination be granted?
- 2. What is 'reasonable accommodation' and how does it relate to 'positive action'?
- 3. What is 'accessibility' and how does it relate to 'reasonable accommodation'?



Who should be protected ?

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Definition

- Directive 2000/78/EC
- *Chacón Navas v Eurest Colectividades SA*
- CRPD, Article 1
- Proposed Directive

Who should be protected ?

Protection of non-disabled people

- *Coleman v Attridge Law and Steve Law*
- Association - direct discrimination and harassment only?
- Perceived discrimination?
- Symmetrical protection?

What is Reasonable Accommodation and How does it Relate to Positive Action?

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The Obligation under EU Law

- Directive 2000/78/EC, Article 5
- Appropriate measures – Recital 20
- Disproportionate burden – Recital 21

What is Reasonable Accommodation and How does it Relate to Positive Action?

The Obligation under UN Law

Convention on the Rights of Persons with Disabilities

- Article 27
- Article 5(2)
- Article 2

What is Reasonable Accommodation and How does it Relate to Positive Action?

Positive Action

- Directive 2000/78/EC, Article 7(2)
- CRPD, Article 5(4)



What is Accessibility and How does it Relate to Positive Action?

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Convention on the Rights of Persons with Disabilities,
Article 9

- *Aim*
- *Areas of Life*
- *Nature of Measures*

What is Accessibility and How does it Relate to Positive Action?

EU Law

- Outside Non-Discrimination
- Within Non-Discrimination

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