

European Anti-discrimination Law Review

No. 2 - 2005

Austria

Legislative developments

Legislation on discrimination on the ground of disability A so-called "disability package" consisting of a bundle of amendments to existing legislation and a new "Disability Equality Act" was passed by the National Council on 6 July 2005 and by the Federal Council on 21 July 2005.

A new "Disability Equality Act" (Behindertengleichstellungsgesetz) was passed and three existing acts dealing with disability were amended: the Act on the Employment of People with Disabilities (Behinderteneinstellungsgesetz), the Federal Disability Act (Bundesbehindertengesetz) and the Act on Federal Social Service (Bundessozialamtsgesetz) now contain essential provisions implementing Directive 2000/78/EC. The Disability Equality Act in particular contains regulations which go beyond the requirements of the Directive. The provisions include, among other things definitions of direct and indirect discrimination, instruction to discriminate, harassment and victimisation, shift in the burden of proof, and "reasonable accommodation". Discrimination by association is also prohibited but limited to family members. A separate Ombudsperson (Behindertenanwalt) will be established and the regional offices of the Federal Social Service (Bundessozialamt) will have to conduct compulsory conciliation and mediation procedures in every single case before the applicants can bring their cases to court.