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NEWS REPORT

Country:	Finland
Title:	Discrimination by a bank not providing reasonable accommodation to a blind customer
Date:	26 February 2016
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<u>Context</u>	
Issue at stake:	Non-Discrimination and Equality Tribunal prohibited a bank to discriminate a blind customer by denying her the entry passwords needed to use the bank account electronically. The Tribunal imposed a conditional fine of EUR 50,000 in order to enforce compliance with its injunction
Ground of discrimination:	Disability
Source:	Non-Discrimination and Equality Tribunal, 14.12.2015, 31/2015, published online 28.1.2016
Field:	Access to goods and services
Applicable law:	Non-Discrimination Act (1325/2014)

Content

Decision of the Tribunal:

The National Non-Discrimination and Equality Tribunal of Finland (later the Non-Discrimination tribunal or tribunal) prohibited a bank to continue discriminating against a blind customer.

The customer had asked the bank to provide her the list of changing password codes needed to use the bank account electronically through internet, while at the same time admitting that she cannot see the passwords herself and will need the help of others to use the bank account. The bank had responded to her that according to the Act on Strong Electronic Identification and Electronic Signatures¹ a person cannot devise the codes needed to use electronic banking to anyone and reasoned the denial of service based on security reasons.

The Non-Discrimination Tribunal stated that the Non-Discrimination Act has a primacy status in relation to other legislation and just referring to other legislation does not justify a discriminatory treatment. The tribunal referred to the obligation of the Non-Discrimination Act to provide reasonable accommodation in providing services to persons with disabilities. The tribunal stated that according to the research information it had requested many banks provide the codes also in Braille to customers who otherwise cannot use the services and the costs of this to the banks are minimal. The tribunal prohibited the bank to continue discriminated the blind customer and imposed a conditional fine of EUR

¹ Act on Strong Electronic Identification and Electronic Signatures (7.8.2009/617), <http://www.finlex.fi/fi/laki/ajantasa/2009/20090617> last accessed 20.2.2016.

50,000 in order to enforce compliance with its injunction. The conditional fine is not intended to be enforced if the discrimination is not continued.

Key points of analysis:

- the decision reflects the principles of the new Non-Discrimination Act that differential treatment based on legislation also needs to have an acceptable objective and proportionate measures and other existing legislation does not justify failure to provide reasonable accommodation;
- the conditional fine imposed takes into consideration the importance of access to electronic services in today's society and also the strong financial position of the bank.

Internet link source:

http://yvtltk.fi/material/attachments/ytaltk/tapausselosteet/tapausselosteet2015/tTdYps85n/TS_14_12_2015_kohtuulliset_mukautukset-verkkopankkitunnukset.pdf last accessed 17/02/2016.