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NEWS REPORT

Country:	Finland
Title:	Discrimination by public employment authorities not providing reasonable accommodation to a disabled student
Date:	26 February 2016
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<u>Context</u>	
Issue at stake:	Non-Discrimination and Equality Tribunal prohibited the Public employment and business authorities to continue discriminating a student who had applied for the unemployment benefit to finance her studies. The tribunal also ordered the authority to take reasonable accommodation measures for the student
Ground of discrimination:	Disability
Source:	Non-Discrimination and Equality Tribunal, 14.12.2015, 21/2015, published online 28.1.2016
Field:	Access to goods and services (public services)
Applicable law:	Non-Discrimination Act (1325/2014)

Content

Decision of the Tribunal:

The National Non-Discrimination and Equality Tribunal of Finland (from now on tribunal) prohibited the local office of public employment and business authorities (from now on TE-office) to continue discriminating a disabled student and ordered to provide reasonable accommodation measures for the student. The tribunal was not unanimous in making the decision as it was accepted with 7 votes for and 6 against.

The TE-office in 23.1.2015 decided not to grant the unemployment benefit for the student for studying in the university. Chapter 6, Section 3(2) of The Act on Public Employment and Business Service¹ sets as a requirement for granting the benefit that 'Unless otherwise provided for a specific reason' the studies for which the benefit is applied have been interrupted for at least for one year. The applicant's studies had not been interrupted for a year as she had just started her studies.

The tribunal considered that the TE-office should have considered the disability of the student to be a "specific reason" under the legislation and should have allowed her to use the unemployment benefit for studying as a reasonable accommodation measure. The tribunal also considered that the TE-office had thus neglected to duty to promote equality required by the Non-Discrimination Act. The majority of dissenting members of the tribunal also agreed on this point, but nonetheless considered that the tribunal should not state what the reasonable accommodation in this case should be, as this should be up to the TE-

¹ The Act on Public Employment and Business Service 28.12.2012/916
<http://www.finlex.fi/fi/laki/ajantasa/2012/20120916> last accessed 20.2.2015.

office to decide. Only 2 out of 13 tribunal members did not find any breach of the Non-Discrimination Act in the case.

Key points of analysis:

- the tribunal considered that the Non-Discrimination Act and the requirement for making reasonable accommodation are applicable also when an authority interprets other legislation in granting benefits;
- the great majority (11 out of 13 members) of the tribunal interpreted the concept of reasonable accommodation widely including the interpretation of the CRPD committee and also stated that reasonable accommodation does not need to be explicit required using that concept.

Internet link source:

<http://yvtltk.fi/material/attachments/ytaltk/tapausselosteet/tapausselosteet2015/GA3RXRkIL/YVTltk-tapausseloste- 14 12 2015-kohtuulliset mukautukset-TE toimisto.pdf> last accessed 17/02/2016.