



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	The Netherlands
Title:	NIHR: Notary office discriminates by charging additional costs to hearing-impaired client
Date:	24 January 2017
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<u>Context</u>	
Issue at stake:	Reasonable accommodation for people with disabilities
Ground of discrimination:	Disability
Source:	National equality body
Field:	Goods and services
Applicable law:	Art. 5b Act on Equal Treatment on the Ground of Disability or Chronic Illness (DDA)

Content

Case:

A hearing-impaired woman was charged with additional costs by a notary office when she indicated she would bring along a writing interpreter to help her conduct business with the notary. The woman provided for the interpreter herself, but the notary office argued that doing business with her would be more time consuming. The woman subsequently complained to the Dutch equality body, the Netherlands Institute for Human Rights (NIHR). She invoked the Act on Equal Treatment on Grounds of Disability and Chronic Illness (DDA) the scope of which was extended to include the field of Goods and Services in June 2016 in parallel with the ratification of the Convention on the Rights of Persons with Disabilities.

Decision of the equality body:

The NIHR found that the notary office violated the duty of reasonable accommodation of the DDA, which does not only apply to employment, but was extended to include the field of goods and services in June 2016. It held there was not sufficient evidence that the additional time needed would be so much as to pose a disproportionate burden on the notary office.¹

The NIHR is a quasi-judicial body which issues non-binding Opinions. Its opinions are followed by the conventional courts in the majority of cases.

Key points of analysis:

This is the first opinion of the NIHR on disability discrimination regarding the extended scope of application of the DDA, which covers a broad range of goods and services since

¹ NIHR Opinion 2016-136 of 9 December 2016.

June 2016. The NIHR shows it will critically examine whether accommodation of the specific needs of a disabled person in the field of Goods and Services constitutes a disproportionate burden.

Internet link source:

NIHR Opinion 2016-136 can be found at:

<https://mensenrechten.nl/publicaties/oordelen/2016-136/detail>.