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NEWS REPORT

Country:	Liechtenstein
Title:	Liechtenstein's parliament questions the government on actions in the disability insurance system to prevent unequal treatment
Date:	8 June 2017
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Context	
Issue at stake:	In May 2017, the Liechtenstein parliament asked the government to review the criteria and procedures for people with disabilities requesting access to vocational training
Ground of discrimination:	Disability
Source:	Policy development
Field:	Employment
Applicable law:	Disability Act

Content

Policy development: In May 2017, the Liechtenstein Parliament questioned the government on accuracy of the criteria and procedures for people with disabilities requesting access to vocational training. The request was made by a Member of Parliament belonging to the political party "Freie Liste", based on their interviews among policyholders and employees of the public disability insurance. The "Freie Liste" reaches the conclusion that a certain level of income earned before a person faces disability due to disease or accident (approx. 73,600 Euro) and disability degree (minimum of 20%) must be given to receive social benefits for vocational trainings. Thus, persons with lower income are disadvantaged compared to high earners. This position was not supported by other political parties, namely the two coalition partners of the government, the Progressive Citizens' Party (FBP) and the Patriotic Union (VU). The Liechtenstein disability associations did not make any official statements in this context.

As a response, on 5 May 2017, the government explained to the Parliament that, based on the current legal definition in Art. 43 of the disability act (IV-Gesetz), a request for vocational training is verified based on various criteria. One of these criteria is the economically relevant income earned before the disability arose. But the disability act defines no threshold to be eligible for vocational training measures supported by the disability insurance. In addition, the government made clear, that measures of the disability insurance to support vocational training for people with a disability degree of less than 20% are also possible if a reasonable cost/benefit relation exists.

The legally defined criteria, as part of the standardised social security system, differentiate in a comprehensible manner. The government made clear that it is not the task of the disability insurance improve a person's professional situation by vocational training. Thus,

persons with no significant disability degree who can change their profession without specific vocational training measures facing afterwards the same or only a minor lower income, do not have a legal right of multiannual social security benefits from the disability insurance. In this case, this person might only receive reduced support to enable him/her to enter into new and reasonable job possibilities.

The government response to the Parliament's call did not indicate any specific policy measures. In fact, the government refused a modification of the legal basis arguing that there is no evidence of discrimination based on income or the degree of disability.

Key points of analysis: It is not the first such request from the Liechtenstein Parliament to the government.

In 2011 the Liechtenstein Parliament questioned the government with a similar topic which lead to an adjustment of the Disability Act in 2013. Analysis showed at that time, that legal adjustments in terms of a wider approach by defining the degree of disability for vocational training services by the disability insurance are necessary and that the given minimum disability degree of 20% must be interpreted in a more flexible way to avoid discrimination if a person fulfilling all other criteria could benefit from vocational training on the basis of a given reasonable cost/benefit relation.

By answering the current request the government made clear, that the criteria at hand do not amount to discrimination. The legally defined criteria do differentiate in a comprehensible manner but do not constitute direct or indirect discrimination in terms of social benefits for vocational training measures.

Internet link source: Governmental answer to the interpellation by the parliament:
http://alt2.gmg.biz/pdf.aspx?xsl=http://www.landtag.li/config/anfrage2pdf.xslt&xml=http://www.landtag.li/files/temp/kleineanfrage_150561.xml.

Disability Act:

https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1960005000&version=7&search_text=IV&search_loc=abk_list&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=31.05.2017.