

Equality Bodies Supporting Good Practice on Making Reasonable Accommodation for People with Disabilities by Employers and Service Providers

An Equinet Good Practice Guide

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Introduction

The work of equality bodies

Significant social and legislative progress has been achieved in Europe over the years and equality bodies have played and continue to play an active role in the advancement of diversity in the workplace and services. Their work, often in collaboration with employers, service providers and other actors in the field is key to making diversity in the workplace and in service provision a reality. Available literature on reasonable accommodation and specifically experience and guidance on its practical application and promotion is limited. This owes much to the relative novelty of the concept but also to the complexity of issues and sensitivities involved.

Equinet wishes through this paper to provide the equality bodies with a good practice guide in making reasonable accommodation for people with disabilities by employers and service providers and to offer practical help and guidance to put the concepts of diversity and equality policies through reasonable accommodation measures into practice. This paper is designed for national equality bodies to inspire and help build further knowledge and a greater understanding of instruments and approaches available to promote the concept of reasonable accommodation to employers and service providers.

In collaboration with member organisations across Europe, Equinet has assembled a collection of case studies describing good practices in making reasonable accommodation by employers and service providers. These examples of good practices drawn from the experience and learning of national equality bodies provide interesting insights into the broad range of innovative and engaging approaches implemented across Europe in the direction of promoting reasonable accommodation measures.

During the preparation of this good practice guide Equinet has also consulted staff members and publications of its partners from the European Disability Forum (EDF) and the European Network Against Racism (ENAR), which have both been active in the area of reasonable accommodation; the former in promoting reasonable accommodation for people with disabilities and the latter for people from diverse cultural and religious backgrounds.

The ambition of this practical guide is to encourage equality bodies to use it as a resource to develop, refine or improve their own approach and to take action to promote reasonable accommodation. The case studies received by Equinet's member organisations reveal practices in reasonable accommodation which can be categorised in four sections: Awards; Training and guidance; Leaflets; Publications/ Research reports.

In the preparation of this practical guide Equinet issued a call to its member equality bodies for examples of their work on reasonable accommodation. While the call sparked an interest in the project and the eventual good practice guide, the response rate to the call for examples remained low. Nine good practice examples concerning measures to accommodate persons with disabilities were submitted by five equality bodies. This

illustrates the limitation of equality bodies' practical experiences and case law on reasonable accommodation and underlines the need for further good practice exchanges.

Taking a strategic approach

Equality bodies are encouraged to develop a strategic approach to promoting reasonable accommodation and in order to convince employers and service providers of the positive effects of accommodating and integrating disabled people and people from various religious and cultural backgrounds. Reasonable accommodation measures benefit both interested parties; employees and clients profit from being socially included and enterprises and the wider society also benefit from additional positive effects¹:

- The development of a more positive climate and the respect of the individual needs
 of all employees. This, in turn, brings gains in terms of performance and stronger
 motivation among employees.
- The enterprise is prepared to better deal with an ageing workforce and may result in more loyalty of the staff.
- A sustainable co-operation between enterprises and NGOs is created, since the latter are often involved in the process of implementing reasonable accommodation measures.
- Companies often receive acknowledgment (awards, prizes), something which can be used for marketing purposes and lead to an improved image.

Such a strategic approach does not necessarily involve large commitments in terms of staff time or resources. Equality bodies can share expertise on successful projects which can then be adapted for use in another country.

Legal and policy basis

Ensuring diversity in the workplace is a fundamental element in the pursuit of equality and equal opportunities for all. Article 19 of the Treaty on the Functioning of the EU, introduced by the Treaty of Amsterdam, specifically empowers the Community to take action to combat discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation. Diversity in the workplace and in the provision of goods and services implies building working and service environments that value dignity and respect for all, that benefit from the advantages of diverse perspectives, and that encourage mutual learning and constructive exchanges with others who are not the same.

¹ For the positive effects described see Austrian Institute for SME Research, *Providing reasonable accommodation for persons with disabilities*, 3-4 and ENAR, *Reasonable Accommodation for Cultural Diversity in the Workplace*, 23.

The **term reasonable accommodation** appears in Article 5 of the Council Directive 2000/78/EC (the so-called Employment Equality or General Framework Directive) explicitly referring to persons with disabilities² and to this obligation on member states as necessary "to guarantee compliance with the principle of equal treatment in relation to persons with disabilities". This Directive laid down a general framework to ensure equal treatment of individuals in the European Union, regardless of religion or belief, disability, age or sexual orientation, as regards access to employment or occupation and membership of certain organisations.³ In its Article 5 the Directive obliges employers to take "appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer". The Directive is in line with the EU's Charter of Fundamental Rights which prohibits discrimination based on disability (among other grounds) and recognises the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.⁴

In the Chacón Navas case (C-13/05) the Court of Justice of the EU has interpreted the notion of reasonable accommodation and it ruled that the 'directive does not require the recruitment, promotion or maintenance in employment of an individual who is not competent, capable and available to perform the essential functions of the post concerned'. However, it went on to establish that 'the directive precludes dismissal on grounds of disability which, in the light of the obligation to provide reasonable accommodation for people with disabilities, is not justified by the fact that the person concerned is not competent, capable and available to perform the essential functions of his post'. In its judgment delivered in the Ring case (C-335/11) the Court of Justice confirmed that the definition of disability in Directive 2000/78 also includes certain long-term illnesses and therefore employers are obliged to provide reasonable accommodation in such cases as well.

Further to the relevant EU legislative tools introducing the obligation of reasonable accommodation measures, additional commitment derives from the United Nations' Convention on the Rights of Persons with Disabilities (UN CRPD), the first UN human rights Treaty of the third millennium and the first to be open for signature by regional integration organizations. The EU formally acceded to the Convention in December 2010 and became a State party as a regional integration organisation. The UN CRPD provides a wider definition of reasonable accommodation than EU law: it includes necessary and appropriate

² "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"; see United Nation's Convention on the rights of persons with disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (hereafter: UN CRPD), article 1 "Purpose".

³ See Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation [2000], OJ L 303 (hereafter Council Directive 2007/78/EC), Article 1 "Purpose" and Article 3 "Scope".

⁴ See Charter of Fundamental Rights of the European Union [2000] OJ C 364/1, articles 21 "Non Discrimination" and 26 "Integration of persons with disabilities".

⁵ Chacón Navas case (C-13/05), paragraphs 49-51.

modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that persons with disabilities enjoy or exercise on an equal basis with others all their human rights and fundamental freedoms. ⁶ Crucially, the UN CRPD does not limit the definition of reasonable accommodation to the area of employment and occupation.

The European Commission laid out its policy priorities in ensuring the rights of persons with disabilities in its *European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe*⁷ adopted in 2010. The Strategy does not directly address the issue of reasonable accommodation, but a number of the areas for action foreseen, such as accessibility, participation, equality, employment, education and training are strongly relevant and require further commitments in the realm of reasonable accommodation.

Types and limitations of reasonable accommodation

The obligation of reasonable accommodation is not absolute. It is noteworthy that both the General Framework Directive and the UN CRPD explicitly refer to the limitation of the "disproportionate burden" of the duty bearer, namely to the latter's obligation to provide accommodation measures without however being encumbered by any substantial financial burden, something which would turn such measures into "unreasonable". The General Framework Directive clarifies that in order to determine whether the measures in question give rise to a disproportionate burden, the financial costs entailed, the scale and financial resources of the organisation and the possibility of obtaining public funding or any other assistance should be taken into account.⁸

At this point, in order to understand the scope and the limitations of reasonable accommodation, its distinction from general accessibility measures is also necessary. These concepts are related but different. Firstly, a difference concerns the target group of measures: while general accessibility measures are provided in anticipation of the accessibility needs of all disabled people (and often also benefit others such as older people, parents with strollers, etc.), reasonable accommodation measures include specific measures directed at a particular person with disabilities. And secondly, the nature of measures is different: general accessibility may require renovations of the existing infrastructures, whereas reasonable accommodation implies individual measures that often do not require any significant changes apart from changes in mentality and level of awareness. Therefore, under the General Framework Directive, the employers are obliged to take reasonable

⁶ See UN CRPD, article 2 "Definitions".

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe*, Brussels, 15.11.2010. COM(2010) 636 final.

⁸ Council Directive 2000/78/EC, recital 21.

⁹ For the distinction between reasonable accommodation and general accessibility see European Disability Forum (EDF), *EDF answer to the consultation for the impact assessment on the Proposal for a Council Directive on implementing the principle of equal treatment outside of employment and occupation* (Brussels: Author, 2013), 10-12.

accommodation measures on an individual basis and not to make the workplace disabled-friendly in its whole.

Studies highlight different types of reasonable accommodation¹⁰:

- a) Adaptation of the workplace
 - Provision of wheelchair access (construction of access ramps, removal of curbs, installation of lifts and handles in corridor and adjustment of restrooms, creation of special parking places)
 - Using assistive technology (for blind persons computer equipment adjusted to Braille, electronic voice response systems, Dictaphones, speaking calculators)
 - Adapting office equipment or work equipment (ergonomic or orthopaedic chair)
- b) Work arrangements (adjusting working hours, teleworking arrangements, redistribution of tasks between the members of a team, giving periodically rehabilitation)
- c) Work assistance/ job coaching (e.g. sign language interpreters)
- d) Training measures (often linked with the redistribution of tasks when an employee becomes disabled due to an accident or disease and is not able anymore to work at their previous job)
- e) The above measures focus on the persons with disabilities, their impairments and how to balance them out or reduce them. However, awareness raising measures which target the social environment are also considered to be in the context of reasonable accommodation ones. The social concept of disability, where the problems persons with disabilities face are located in the social environment, dictates that awareness raising measures should be taken to enable the inclusion of the persons with disabilities.

Reasonable accommodation on other grounds

The concept of reasonable accommodation in EU law is only applied ensuring the rights of persons with disabilities. However, it is noteworthy that fundamentally similar practices and tools could be and are in fact being used to accommodate employees in the context of cultural and religious diversity. In such framework, a reasonable accommodation can be defined as any modification or adjustment to a job or a work environment that enables an applicant or employee of a specific cultural or religious background to participate in the

Directive (2000/78/EC), recital 20.

¹⁰ For the types of reasonable accommodation see Austrian Institute for SME Research, *Providing reasonable accommodation for persons with disabilities in the workplace in the EU – good practices and financing schemes – Contract VC/2007/0315* (Vienna: Author with the European Network for Social and Economic Research, 2008), 22, 57-76; see also European Disability Forum, *EDF answer*, 11-12; and Council

application process or to perform their job tasks on an equal basis with others and in accordance with their convictions. ¹¹ In these cases, similarly to reasonable accommodation of persons with disabilities, negotiation appears to be a valuable tool since it paves the way for the development of the concept of cultural and religious diversity as well as the arrangement of effective reasonable accommodation with the employer's accordance. ¹² The Equinet report on *A Question of Faith – Religion and Belief in Europe* also analysed a number of religious discrimination cases illustrating the challenges of employer-employee negotiations and agreements honouring religious diversity. ¹³

Some common methods of religious and cultural accommodation in the workplace¹⁴ involve:

- Scheduling changes, voluntary substitutes, and shift swaps
- Changing an employee's job tasks or providing a lateral transfer
- Making an exception to dress and grooming rules
- Use of the work facility for a religious observance
- Accommodations relating to payment of union dues or agency fees
- Accommodation prayer, proselytising, and other forms of religious expression
- Accommodation of dietary requirements
- Organisation of diversity trainings and communication campaigns

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¹¹ European Network Against Racism (ENAR), *Reasonable Accommodation for Cultural Diversity in the Workplace - Report* (Brussels: Author, 2011), 7-8.

¹² Ibid.

¹³ Equinet, European network of equality bodies, *Equality Law in Practice: A Question of Faith – Religion and Belief in Europe* (Brussels: Author. 2011).

ENAR, Reasonable Accommodation for Cultural Diversity in the Workplace, 11-12, 18-19, 27.

Equality bodies promoting inclusion with awards

CASE STUDIES FROM THE FEDERAL ANTI-DISCRIMINATION AGENCY (FADA), GERMANY

❖ Name of initiative: INCLUSION AWARD

Introduction	The Federal Anti-Discrimination Agency (FADA) and the Commissioner for Matters relating to Disabled Persons arranged a theme year for disabled and chronically ill persons in 2013. In October, FADA in cooperation with the Confederation of German Employers' Associations (BDA) and the Enterprise Forum presented awards to companies which integrate disabled and chronically ill persons in an ideal way. The price was awarded to small, medium-sized and big companies. Employers in Germany (especially in small and medium-sized companies) often have insufficient information about successful measures/instruments to integrate disabled persons into employment. The Good Practice Award 2013 aimed to identify good practice examples for inclusion of disabled persons in order to demonstrate its benefits for employers and employees.
Stakeholders	 Federal Anti-Discrimination Agency (FADA) Representative of the German Government for the concerns of disabled persons, Hubert Hüppe Federal Confederation of the German Industry (BDA) Federal Agency for employment (BA) Enterprise Forum (an association of companies, which act nationwide in different industries and aims to give disabled persons a better chance to join the labour market)
Implementation	 May: Agreement of cooperation between the five stakeholders June: Announcement of the competition August: Deadline and pre-evaluation of the applications September: Meeting of the jury (composed of stakeholders and experts), selection of the 5 best practices October: Honouring the winner during a representative event October: Publication of a brochure containing the best practices
Resources	Budget: FADA promoted the prize with € 25.000. The other stakeholders gave no-cash-benefits (for example to print the booklet). Staff involved: staff of FADA (2 persons), Confederation of German Employers' Associations (BDA) and Enterprise Forum. Time taken: the cooperation started in April 2013 and the prize was awarded in October 2013.
Achievements	A booklet was produced containing examples of companies which integrate disabled and chronically ill persons in an ideal way, thus receiving the inclusion

	award.
	The award ceremony was used as a platform to present best practice examples to other employers.
	Furthermore, the Good Practice Award helped to reduce prejudices against people with disabilities and to strengthen the cooperation between FADA and employers.
Success factors	The commissioner for matters relating to disabled persons is honorary patron of the award. Along with BDA and the Enterprise Forum, he is a well known multiplier in the community of disabled and chronically ill persons. A factor for the success of the Good Practice Award 2013 was the cooperation between FADA, BDA and BA.
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Equality bodies delivering training events and providing guidance

CASE STUDIES FROM THE EQUALITY AUTHORITY, IRELAND

❖ Name of initiative: DARA HAS THE CRAIC – How two County Councils got to speed on how to make their services accessible to people with disabilities – and enjoyed themselves in the process

Introduction	This initiative aimed at embedding a focus on accessibility for people with disabilities in planning, service design and service delivery.
Stakeholders	Two Local Authorities: Cavan County Council and Kildare County Council
Implementation	 An initial meeting between the Equality Authority and the County Manager to agree the parameters of the programme. A briefing session about the project with the Senior Management Team (County Manager, Directors of Services and Head of Finance). An initial participative training day, designed and delivered by the Equality Authority, for the management team and other key decision-makers which: Challenged traditional thinking on disability and supported re-thinking within an equality framework Kick-started the programme Considered the impact of local authority services on people with disabilities Identified demonstration projects in each Directorate Set up 'animation group' to drive the programme implementation Demonstration projects were developed and implemented over 3 months. There was ongoing contact between the Equality Authority and the animation group during this time. The work involved consultation with local disability groups and individual people with disabilities.

	 Meetings halfway through the programme and at the end between the County Manager, the animation group and the Equality Authority to review progress, offer support and make any necessary adjustments. A second participative training day focused on gathering and applying the learning from the demonstration projects, identifying ways of mainstreaming the approach throughout all County Council services and staff and assessing how the approach could inform the County Council's work in other areas. A meeting to share the learning between the two County Councils and the Equality Authority. Development of a booklet to document the programme implementation and learning.
Resources	Budget: app. € 34,000 (for equality expert, publication design and print, etc.; excl. Equality Authority staff costs) Staff involved: an equality expert and an Equality Authority staff member Time taken: project initiation, implementation and project management – over an app. 6 months timeframe (not full time); publication draft and design – over an app. 2 month timeframe (not full time)
Achievements	 Demonstration projects implemented by the County Councils included: Developing a signage protocol on the best way to provide signage for both inside and outside a new library building. Undertaking a full audit (physical, service and information) of the motor tax service, identifying what reasonable accommodations were needed by people with disabilities and working out how to implement them. Developing an "inclusive communication protocol" for water services to make sure that all customers can gain access to all information and documentation, with the potential for replicating this protocol throughout the County Council. Providing accessibility features, links and information for people with disabilities on the County Council's website. Undertaking a physical accessibility audit of an area office of the County Council. Disability-proofing four new playgrounds and equipment they contain in Kildare. Review of documentation so that it could be produced in more accessible language and formats. Development of detailed guidance and plans for accessible road and street design. Review of website to identify difficulties of access for people with disabilities and to find solutions to address the difficulties. Investigation of the physical, information and service barriers experienced by people with disabilities who try to access general services of the County Council and work out solutions.

Development of a plan to encourage more people with disabilities to

	 vote. Ensured that a new swimming pool would offer best quality access to people with disabilities. Gathered ideas to improve access and use of the town hall.
Success factors	 Engagement of senior managers in the programme. Engagement with people with disabilities to develop strategies to accommodate their needs. Commitment, creativity and motivation of County Council staff. Partnership which developed between the Equality Authority, Cavan County Council and Kildare County Council which enabled a valuable pooling of diverse skills, experiences and knowledge.
Barriers	The work took place on top of staff's everyday jobs. However, it was a very positive experience and staff participated enthusiastically and staff morale increased.
Lessons learned	 Progress in the area of disability can impact positively on service delivery for other excluded groups and can have benefits for the public as a whole. Customer care improves for everyone. 'Making changes to benefit people with disabilities isn't about resources, but more about attitude'. Consultation is crucial and also is a good marketing tool. A small rural local authority can show leadership and find ways of creating best-quality customer care solutions. Working on the programme was good for staff morale and gave a real sense that staff can make a difference for people with disabilities, both locally and nationally.
Monitoring and Evaluation	Meetings halfway through the programme and at the end between the County Manager, the animation group and the Equality Authority helped to review progress, offer support and make any necessary adjustments. Following the programme Cavan County Council continued to focus on accessibility and mainstreaming accessibility became an important goal. A disability training programme was developed for staff members of Cavan County Council. In addition 40 staff members undertook adult literacy awareness training, 23 staff completed the universal accessibility audit course run by the University of Ulster and 11 staff members received training in access issues related to public roads. Kildare County Council developed a three year plan which grew out of the programme. 150 staff members participated in disability equality training, 25 staff members undertook access audit training, and the involvement of people with disabilities in the County Council's decision-making processes increased. The positive experience of <i>Dara has the Craic</i> led the two Councils to work
	with the Equality Authority on a further project to improve their services for Black and minority ethnic (including Traveller) people.

❖ Name of initiative: FOR SERVICE, FOR ALL – A practical guide for credit unions to improve accessibility for their members

Introduction	This initiative aimed at providing practical guidance to credit unions on how to make easily implementable but significant changes which can make a real difference to the quality and accessibility of credit union services.
Stakeholders	Published jointly with the Irish League of Credit Unions. Six credit unions across Ireland were involved in the project – Monasterevin Credit Union Ltd, Letterkenny Credit Union Ltd, Sundrive Credit Union Ltd, Bangor Credit Union Ltd, Oldcastle Credit Union Ltd and Derry Credit Union Ltd.
Implementation	 The implementation steps were as follows: An initial meeting between the Equality Authority and the Irish League of Credit Unions to agree the project. The Irish League of Credit Unions contacted their members and identified 6 credit unions to participate in the project. An initial participative training day with each credit union which: Challenged traditional thinking on disability and supported rethinking within an equality framework Kick-started the project Considered the impact of credit union services on people with disabilities Identified demonstration projects to work on projects Set up an 'animation group' to drive the project implementation Demonstration projects were developed and implemented over 3-4 months. There was ongoing contact between the Equality Authority and the animation group during this time. The work involved consultation with local disability groups and individual people with disabilities. A second participative training day focused on gathering and applying the learning from the demonstration projects. Development of a resource based on the project to provide guidance to credit unions on how to make easily implementable but significant changes which can make a real difference to the quality and accessibility of credit union services.
Resources	Budget: app. € 34,000 (for equality expert, publication design and print, etc.; excl. Equality Authority staff costs) Staff involved: an Equality expert and an Equality Authority staff member Time taken: Project initiation, implementation and project management – over an app. 6 months timeframe (not full time); publication draft and design – over an app. 2 month timeframe (not full time).
Achievements	Production of a guidance resource for credit unions, For Service, For All, which includes the following: Introduction: access is not just about buildings Though buildings are important too Service provision to members Helping members to understand

- Protecting the rights of members with disabilities
- New departures: IT, ATMs and automated answering systems
- Disability proofing your credit union
- Consultation, marketing and monitoring
- How to choose and work with architects, consultants and other professionals
- Conclusion
- Appendices: What the law says

Individual projects implemented by the six credit unions were:

- Letterkenny Credit Union Ltd. looked at a member's journey through its building and services. They found that small changes could make a big improvement to services, for example providing forms in large print, using low counters, pens that are easy to grip, a queuing system that includes a visual element, installing a loop system, encouraging people to take a seat. They also put in automatic doors.
- Sundrive Credit Union Ltd. applied to Dublin City Council for a
 designated accessible parking bay on the street outside their
 premises. They were successful. They also put in automatic doors.
- Bangor Credit Union Ltd. improved the lighting in their public area.
 They also investigated the possibility of installing a hearing loop system.
- Oldcastle Credit Union Ltd. reviewed their documentation and IT system and made some changes to ensure that it is easier for everyone to see and understand the information provided.
- Monasterevin Credit Union Ltd. has many members who have intellectual impairments. They consulted with the People First selfadvocacy group to see how they could write simple guidance information about their services. They made sure that they used pictures and kept sentences short. They found that making their information accessible for people with intellectual impairments was valued by all their members including older people and younger people.
- Derry Credit Union Ltd. took a holistic approach to improving their services. They now provide sign language, information in large print, magnifiers and microphones for meetings. They also worked on improving their signage within their premises to ensure that it is not confusing.

Success factors

- Engagement of the Irish League of Credit Unions to support engagement of credit unions in the project and dissemination of the project among all credit unions.
- Engagement and commitment of the six credit unions in the project.
- Engagement with people with disabilities to develop strategies to accommodate their needs.
- Development of a guidance resource for all credit unions.

Barriers	The work took place on top of everyday work in the credit unions. This was a challenge as credit unions typically have small numbers of staff and are largely dependent on volunteers.
Monitoring and Evaluation	There was ongoing contact with the Irish League of Credit Unions, animation groups within the credit unions and the Equality Authority to review progress, offer support and make any necessary adjustments. On completion of the project the guidance resource For Service, For All, was launched jointly by the Irish League of Credit Unions and the Equality Authority.
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❖ Name of initiative: ACCESSIBILITY FOR CUSTOMERS WITH DISABILITIES IN COMMUNITY PHARMACIES

Introduction	This initiative aimed at supporting community pharmacies in providing
	accessible services to customers with disabilities.
Challabaldana	Irish Pharmacy Union and the Irish Centre for Continuing Pharmaceutical
Stakeholders	Education (ICCPE).
	The implementation steps were as follows:
	1. Publication of a booklet Community Pharmacies Serving People with
	Disabilities.
	2. Dissemination of the booklet and delivery nationwide of the
	Pharmabilities continuing professional development training module
	delivered by the Irish Centre for Continuing Pharmaceutical Education
	(ICCPE) with the support of the Equality Authority.
Implementation	3. Development and publication of Accessibility for Customers with
	Disabilities in Community Pharmacies which brings together in one
	document broad-ranging practical guidance on easily implemented
	but significant changes which can make a real difference to the quality
	and accessibility of services on offer to people with disabilities. It
	builds on the guidance provided in the previous publication
	Community Pharmacies Serving People with Disabilities.
	Budget: € 34,000 approx (costs re: equality expert, publication design and
	print)
	Staff involved: an Equality expert and an Equality Authority staff (above costs
Resources	do not take into account Equality Authority staff)
	Time taken: Project initiation, implementation and project management –
	over a 6 months timeframe approx. (not full time) Publication draft and design
	– over a 2 month timeframe approx. (not full time)
	 Production of two resources - Community Pharmacies Serving People with
	Disabilities and Accessibility for Customers with Disabilities in Community
Achievements	Pharmacies.
	 Training for Community Pharmacies.
	 Identified a shared understanding held by the Equality Authority and the
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Irish Pharmacy Union that equality focuses on ensuring that: Customers do not experience discrimination, harassment or victimisation on any of the nine grounds covered by the equality legislation (gender, marital status, family status, sexual orientation, age, disability, race, religion and membership of the Traveller community). Adjustments are made to take account of the practical implications of customer diversity across the nine grounds with a particular focus on making reasonable accommodation for customers with disabilities There is a proactive approach to promoting equality for customers from across the nine grounds. Community Pharmacies Serving People with Disabilities emphasised the need for action in five different areas: Consulting current and potential customers with disabilities. The physical premises. Customer service. Marketing services to people with disabilities. Ensuring standards are maintained. Accessibility for Customers with Disabilities in Community Pharmacies highlighted practical guidance to: Ensure accessibility for customers with impaired hand function. Ensure accessibility for customers with impaired hearing. Ensure accessibility for customers with impaired vision. Help customers to understand what medicines they are taking and how and when to take them. Ensure that outside the pharmacy premises is easy to approach and enter. Ensure that the design of the premises is accessible. Disability proof the community pharmacy. Maximise the number people with disabilities using the community pharmacy service and let customers know what the community pharmacy is doing through consultation, marketing and monitoring. Continuing Pharmaceutical Education (ICCPE). Participation of community pharmacies in disability awareness training,

Success factors

- Engagement with Irish Pharmacy Union and the Irish Centre for
- with a focus on equality.
- Engagement with people with disabilities to develop strategies to accommodate their needs.
- Development of a guidance resource for all credit unions.

Monitoring and Evaluation

There was ongoing contact with the Irish Pharmacy Union which helped to review and develop the project.

Contact person

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CASE STUDY FROM THE DEFENDER OF RIGHTS, FRANCE

❖ Name of initiative: Elaboration of a practical guide – Local Authorities: a guide for the accessibility of institutions receiving general public

The Defender of Rights has elaborated a guide with the view to provide practical answers in matters of accessibility to local authorities and service providers receiving general public. The French law makes it compulsory for service providers receiving general public to ensure accessibility, circulation, and full access to the information they disseminate (the deadline is 2015, but derogations have been foreseen).

The target is the respect of equal access to public services and nondiscrimination for persons with disabilities of all kinds.

- In cases of derogation/exemption in the implementation of physical accessibility, still, service providers, (public or private) have the "reasonable accommodation" obligation to find alternative measures, in order for the public to have an efficient and nondiscriminatory access to facilities and benefits.
- When accessibility is foreseen to be implemented progressively and whenever possible, the Defender of Rights strongly recommends transitional measures.

The Defender of Rights, through the Accessibility guide, aims at providing guidance to a wide range of service providers in order for them to comply with legal targets but it also offers good practices and guidance for alternative and transitional measures.

The guide covers physical accessibility to buildings and access to services (facilities, benefits) as such when physical accessibility is not immediately available.

One of the added values of the guide is that it also addresses accessibility to services for persons having mental sensory cognitive and profound and multiple learning disabilities.

3. possible strategies to implement accessibility for institutions

	multiple learning disabilities.
Discrimination	Mental, Physical, Sensory, Cognitive and profound and multiple learning
grounds	disabilities
Stakeholders	Elected representatives, public authorities, technicians, NGOs representing
	disable persons
	Budget: € 88 000 (PROGRESS project with an EU contribution)
Resources	Staff involved: 8 persons from different departments (part time)
	Time taken: 12 months (From March 2013 to March 2014)
	A guide including:
	 explanation of the legal framework ("What does the law say?"),
Achievements	2. a checklist of questions to be answered before making a building
	accessible

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	receiving general public
	4. organisational measures for existing buildings
	5. design of effective measure of accessibility (signposting pictograms,
	reference frameworks etc.)
	6. measures for human support
	7. measures in order to adapt the delivery of services to public with different types of disabilities
	8. technical measures
	9. measures in the field of communication and information technology
	Presentation of the guide :
	http://www.defenseurdesdroits.fr/sinformer-sur-le-defenseur-des-
	droits/linstitution/actualites/handicap-le-defenseur-des-droits
	PDF version:
	http://www.defenseurdesdroits.fr/sites/default/files/upload/201402_guide _accessibilite_erp.pdf
	Word accessible version :
	http://www.defenseurdesdroits.fr/sites/default/files/upload/201402_guide
	_accessibilite_erp-ro.doc
	Dissemination steps:
	- The guide was sent in paper form to around 1500 stakeholders
	- Presentation and dissemination during the 2 days URBANACCESS
	forum
	- "Breakfast" – press conference launching of the guide with national and local general press (Agence France Press, La Gazette des communes) and specialised media on disability together with NGOs representing disable people.
	- Presentation of the Guide in the DDD' newsletter
	- Presentation of the guide on the DDD's site (the document was downloaded 330 times in its PDF version and 111 times in its word/accessible version).
	Involvement of national NGOs and national and local authorities in the
Success factors	elaboration and dissemination of the guide.
Barriers	Difficulties in finding relevant consultants with enough and consistent knowledge in web accessibility.
Monitoring and	The online guide may be amended in line with new national legislation.
Evaluation	The online evaluation survey did not provide enough responses in order to
	have a consistent feedback.
Contact person	Marika Demangeon, Project manager: marika.demangeon@defenseurdesdroits.fr

Equality bodies raising awareness and providing information

CASE STUDIES FROM THE EQUALITY AUTHORITY, IRELAND

❖ Name of initiative: EQUALITY AND MENTAL HEALTH (three booklets):

- o How the law can help you
- o What the law means for your workplace
- What advocates need to know

Introduction	This initiative aimed at providing information on the relevance of equality legislation for people with mental health difficulties and at explaining the legal requirement for employers under equality law to provide reasonable accommodation for people with disabilities, including people with experience of mental health difficulties.
Stakeholders	See Change – the national mental health stigma reduction campaign; Mental Health Reform; Amnesty International; the National Disability Authority; and Shine.
Implementation	The implementation steps were as follows: a) The stakeholders met to identify the key messages that needed to be highlighted. b) A consultation meeting was held with advocates for people with disabilities to identify what information they needed to support people with experience of mental health difficulties to be aware of, and realise their rights under equality law. c) The three booklets were developed and published. d) The three booklets were disseminated widely with the support of the stakeholders.
Resources	Budget € 10,250 approx (costs re: equality expert, publication design and print) Staff involved An Equality expert and an Equality Authority staff (above costs do not take into account Equality Authority staff) Time taken Project initiation, implementation and project management – over a 6 months timeframe approx. (not full time)
Achievements	The three booklets were as follows: • Equality and Mental Health: how the law can help you This leaflet is for people with experience of mental health difficulties. It is also for people who know others with experience of mental health difficulties. It explains: - Why equality law in Ireland can help people with experience of

mental health difficulties.

- What equality law says.
- How equality law protects people with experience of mental health difficulties.
- How equality law works.

It highlights that people with experience of mental health difficulties are covered by equality law under the disability grounds. It also highlights that people with experience of mental health difficulties are covered in employment and when they are accessing everyday services.

- Equality and Mental Health: what the law means for your workplace This leaflet is for employers and it explains:
 - How reasonable accommodation practices can help both employers and employees.
 - Employers' obligations, under the Employment Equality Acts, to employees with experience of mental health difficulties.
 - What reasonable accommodation in the workplace means.
 - The role that reasonable accommodation can play in supporting employers to prevent discrimination in the workplace.
- Equality and Mental Health: what advocates need to know
 This leaflet is for advocates of people with mental health difficulties. It explains:
 - How mental health advocates can use equality law to help people who have mental health difficulties to avoid discrimination, to achieve their rights and to seek redress if they experience discrimination.
 - The legal requirements for employers to provide reasonable accommodation for people with disabilities, and what that might mean for employees with mental health difficulties.
 - The legal requirements for mainstream and specialised service providers to provide reasonable accommodation for people with disabilities, and what that might mean for customers and service users with mental health difficulties.
 - Where advocates can get more information.

The three booklets were written in accessible language and used case law to highlight some messages and explain the law.

Success factors

Engagement with the stakeholders was key to identifying the key messages and disseminating the booklets.

Barriers

The equality legislation includes disability as one of the discrimination grounds and it is under this ground that people with experience of mental health difficulties are protected. However, not everyone with experience of mental health difficulties identifies themselves as having a disability.

Lack of clarity about how disclosure in the workplace relates to reasonable accommodation. Equality legislation does not require a person to disclose that they have a disability. On the other hand, it may be difficult for a service provider or employer to make reasonable

	accommodation to meet the needs of a person who is experiencing
	mental health difficulties if they are not aware that such supports are
	necessary. However, there are often fears on the part of the person with
	experience of mental health difficulties that they will experience
	discrimination if they disclose.
Monitoring and	Demand for the publications was kept under review. Interest in them led to a
Evaluation	reprint.
Contact person	Deirdre Toomey, dmtoomey@equality.ie

CASE STUDY FROM THE Interfederal Centre for Equal Opportunities, BELGIUM

❖ Name of initiative: BOOKLETS ON REASONABLE ACCOMMODATION

- o 2005: Booklet on reasonable accommodations at work
- 2010: Booklets on reasonable accommodations for persons with a disability in 10 different domains (catering, culture, leisure, private services, public services, transport, sport, commerce, health care, housing)
- o 2013: Booklet on reasonable accommodations at school (inclusive education)

Introduction	The purpose behind this initiative had been the general unfamiliarity with the concept of and the right to reasonable accommodations and it aimed at a broader understanding and implementation of the concept of reasonable accommodation.
Discrimination grounds	Disability (+ health, age)
Stakeholders	Department of Social Affairs (for the booklet on reasonable accommodations at work), representative organizations of persons with a disability and educational organizations (for the booklet on reasonable accommodations at school)
Implementation	 a) Booklet on reasonable accommodations at work: editing, printing and announcement b) 10 Booklets: exploratory research, editing, printing and distribution among a wide range of actors in the 10 different domains c) Booklet on reasonable accommodation at school: broad consultation of the different actors in education and of the representative organizations of persons with a disability, writing, feedback-rounds, editing, printing, distribution to all schools, representative organizations of persons with a disability and actors in education

	D. J. J.
	Budget:
	- Booklet on reasonable accommodations at work: unknown
	- 10 booklets: exploratory research (€ 50.000), editing (€ 3.000),
	printing (€ 12.000)
	- Booklet on reasonable accommodation at school: € 37.500
_	Staff involved
Resources	- Booklet on reasonable accommodations at work: unknown
	- 10 booklets: 4 members
	- Booklet on reasonable accommodation at school: 2 members
	Time taken
	- Booklet on reasonable accommodations at work: unknown
	- 10 booklets: 12 months
	- Booklet on reasonable accommodation at school: 6 months
	Key achievement is that the process brought the subject of inclusive education
	- which still is controversial in Belgium and meets a lot of opposition - on the
	agenda by the official institutions (Centre for Equal Opportunities and
	Opposition to Racism and the three Departments of Education) re-affirmin
	the right of children with a disability to register in schools for mainstrean
	education, and the right to reasonable accommodations.
	The process resulted in a booklet on reasonable accommodation at schoo
	explaining in a clear language the right for children with a disability to registe
Achievements	in any school, and the right to reasonable accommodation in the school o
	their choice. This booklet aimed both the children and their parents and the
	teachers and school boards. It includes a whole list of good practices and
	information on how to ask for and implement reasonable accommodations. I
	is available in the three official languages (Dutch, French and German), in a
	easy-to-read form (Dutch and French) and in sign language (Dutch and French
	available from august 2013). A short Braille text in the printed booklet refer
	to the Word-format for easy conversion to speech.
Success factors	The urgent need for an information tool for parents and organizations o
	persons with a disability
Barriers	Strong opposition to inclusive education from teacher organizations and
	school organizations who are counted upon to implement the booklet
Monitoring and Evaluation	Potential survey of teachers on reception and usefulness of the booklet

Equality bodies conducting research and producing reports/publications

CASE STUDIES FROM THE EQUALITY AND HUMAN RIGHTS COMMISSION (EHRC), UNITED KINGDOM (GREAT BRITAIN)

❖ Name of initiative: WORKING BETTER: THE PERFECT PARTNERSHIP — WORKPLACE SOLUTIONS FOR DISABLED PEOPLE AND BUSINESS (2012)¹5

SOLUTIONS FOR D	ISABLED PEOPLE AND BUSINESS (2012)13
Introduction	Over one in five adults in Britain is disabled, yet only half are likely to be in work compared to four-fifths of non-disabled adults. High numbers of disabled people continue to be excluded from work opportunities. The challenge was to find workplace solutions — simple and low-cost or no-cost — that could help employers to open up work more effectively to disabled people and retain talented workers, support business productivity, survival and a fair recovery.
	The report, part of the 'Working Better' series, presented a fresh look at
	the work aspirations and experiences of disabled people in order to
	identify new solutions. The key objective of the project was to learn how
	to make work a much more positive experience and open up better work
	opportunities for disabled people. This meant looking closely at access and
	progression to 'quality' work opportunities and to careers – not just to
	getting a job and being in employment.
	Businesses; business representative bodies; Colleges of Further Education;
Stakeholders	Disability organizations; government agencies; local authorities; health
	services; law firms; police forces; professional bodies; trade unions; universities.
	The report was supported by specifically commissioned research on
	Opening up work ¹⁶ , the views of disabled people and people living with
	long term health conditions. It drew on extensive engagement with
	disabled people, businesses and relevant professionals to establish a clear
	picture of the situation from the perspective of disabled people and
	employers. Importantly, those discussions focused on what works and
Implementation	makes a positive difference for both disabled people and employers.
	The report and its supporting resources have been promoted widely. A detailed engagement plan set out plans for stakeholder engagement and partnership, targeted electronic communications to businesses and social media channels to reach employees and disabled people and disabled people's organisations more widely.

 $^{15 \} Find \ the \ report \ at < http://www.equalityhumanrights.com/uploaded_files/Employers/wb_approved_lo.pdf>.$

¹⁶ See at 16 See at <a href="http://www.equalityhumanrights.com/uploaded_files/Employers/wb_approved_files/Emp

Budget: Research costs: £30,000; Engagement costs (4 x roundtable events): £12,000; Publication costs (including filmed case studies): £7,000 Staff involved: Employment and economy policy managers and head of programme; Research managers; Stakeholder engagement Resources Time taken: this was an 18 month project 0.2 FTE (full-time equivalent) - Head of Programme; 0.8 FTE - Project manager; 0.5 FTE - Project Officer; 0.2 FTE - Research manager; 40 days -Stakeholder engagement support The research lead to the EHRC policy report Working Better: The Perfect Partnership – workplace solutions for disabled people and business which includes many findings based on the extensive evidence base they have collected. The report and its recommendations were supported by both businesses and disabled people's organisations. Among others, the report draws the attention on the following: Shifting the onus and spotlight off individuals to secure the support they need towards more collaborative delivery that works for all, recognising that work practices can be shaped around individuals to capture their skills in the interests of business. Employers need to comply with their legal responsibilities to consider reasonable adjustments for their disabled staff who do disclose but also need to recognise the personal risk that disclosure of a disability, or long-term health condition, represents to many disabled. Employers need to be more proactive in anticipating support, for example employers need to seek information at the outset of employment about any job-specific adaptations and update regularly. Training and guidance for managers who need the skills and Key messages confidence to manage disability in the workplace is required. Managers need to be able to take prompt action to stop the escalation of problems and are key to adapting job roles. Flexibility and innovative ways of working are often the prime reason disabled people are able to work. We recommend that flexible working is offered as an option to all disabled job applicants and workers. Job redesign: offering different job patterns can work for different groups of disabled workers. Mental health at work has been a key focus in this project. The experts told us it is essential not to lose contact with the employee and that those with the first onset of a condition can reverse the trend of a downward spiral if helped to remain in work and receive treatment concurrently. There needs to be a constructive relationship between disabled employees and their employers, clinicians and occupational health practitioners, to ensure that the support needs of disabled employees are understood and effectively met.

Employers have to make clear that there is zero tolerance of hostility

- and harassment in the workplace and that managers and workers understand their responsibilities.
- Better signposting of advice from organisations working with employers and disabled people such as Mind and Disability Rights UK and other advice and information agencies.
- Employers feared that often disclosure of disability occurred only when something goes wrong in the workplace and then it was often too late for a quick solution to be found. Disclosure was necessary for employers to make adjustments but they recognised the fear of impact on individuals.
- The disabled person was often seen as the problem and not that working practices were inflexible and needed changing. Many employers felt the myths and stereotypes still existed, for example that disabled people took more time off work through sickness leave and that costs of employing disabled people were higher because of adjustments required.
- The report sets out the considerable variation in the relationships that disabled people had developed with their employers. Some of the very best experiences of work (that came closest to many people's 'vision' of the ideal work) were as likely to be reported by those working in the private sector as those in the public or voluntary sectors.
- There were different degrees of 'openness' reported in the experiences that participants had had at work. The extent to which individuals had a fully open and productive relationship depended on elements such as:
 - how 'well matched' their role was to their skills and experience
 - the effectiveness (or otherwise) of the communication they had with their employer
 - the level of trust in how any disclosure of need would be treated
 - the commitment and loyalty they had to a workplace, and
 - the extent to which they felt enabled or empowered to participate and perform to their full potential.
- The research concluded that legislation (Equality Act 2010) provides a strong framework for disability rights but employers need to be engaged and proactive. Where the onus is on individuals to challenge they often become isolated and the spiral out of work may be rapid and irreversible. Inclusivity is about flexible open, accessible, low or no-cost democratic workplaces. If there is a cost there must be a clear business case.

Monitoring and Evaluation

Monitoring of good practice approaches and case studies has continued following the 18-month project. The EHRC continues to work with employers, trade unions and government departments, for example the Office for Disability Issues, to take forward the work.

Contact person

❖ Name of initiative: EQUALITY ACT CODES AND GUIDANCE

The EHRC has a general duty under the GB Equality Act 2006 to promote understanding of rights under the equality enactments. Under Section 13 of the Act, the Commission has powers to provide guidance about the effect or operation on an equality enactment. In this context, the EHRC publishes statutory Codes of Practice and Technical Guidance which set out what the legislation means. They form the authoritative source of advice for anyone who wants a rigorous analysis of the legislation's detail. It also publishes both online guidance and downloadable guides to help explain the Equality Act 2010 and provide practical examples on how the law works in practice.

The **Codes and Guidance Project** began in 2009, following the announcement of the Equality Bill, to draft effective new statutory codes and non-statutory guidance to explain the new Bill and support its implementation, to raise awareness and understanding of the law amongst those with rights and responsibilities and build the capability of employers and service providers and public authorities to deliver compliance. The Project is an interdisciplinary effort and each guidance product involves input from the following EHRC staff: Senior legal professional; Policy Manager; Project Manager; Stakeholder Engagement Manager; Communications manager / web team; EHRC Director.

The project also draws on extensive engagement with stakeholders to identify the most effective and accessible formats, and ensure that the guidance takes account of their needs. Typical **stakeholders** include businesses, business representative bodies, education providers (Schools, Colleges of Further Education and Universities), voluntary and community sector organizations, government departments/ agencies, law firms, public sector organisations and professional bodies. In addition, statutory Codes are subject to public consultation.

The project responds to monitoring and evaluation to produce new guidance where there are gaps in understanding or implementation, and to update guidance where there are changes in law. The guidance covers all aspects of the Equality Act 2010, among which disability as a ground of discrimination. These EHRC publications, while not directly dealing with disability discrimination and the reasonable accommodation concept, include sections where advice is given to employers, education providers and service providers on making reasonable adjustments for disabled people. Such publications include:

- Code of Practice on Employment
- Code of Practice on Services, Public Functions and Associations
- The series of non-statutory guidance 'What equality law means for you as an employer'.
- What equality law means for your association, club or society
- What equality law means for your business
- What equality law means for your voluntary and community sector organisation (including charities and religion or belief organisations)
- Reasonable adjustments for disabled pupils Auxiliary Aids Technical Guidance
- Technical Guidance on Further and Higher Education

- Assistance dogs: a guide for businesses

The **success factors** of the project are that:

- Authoritative, up-to-date Codes of Practice or Technical Guidance is available to all those who need to interpret and apply the law.
- Employers and service providers are better able to meet their duty to comply with the Equality Act 2010 and implement good practice.
- Workers and service users have a clear understanding of their rights under the Equality Act
 2010

To ensure their guidance is fit for purpose, EHRC carries out user testing during the development of the guidance products and involve stakeholders throughout. EHRC also monitors the take up of the guidance and a full evaluation is planned for 2014.

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Equinet Member Equality Bodies

Interfederal Centre for Equal Opportunities

Institute for the Equality of Women and Men

BULGARIA

CROATIA

Office of the Ombudsman

Gender Equality Ombudsperson

Office of the Commissioner for Administration (Ombudsman)

CZECH REPUBLIC

Office of the Public Defender of Rights

DENMARK **Board of Equal Treatment**

DENMARK

Danish Institute for Human Rights

ESTONIA

Gender Equality and Equal Treatment Commissioner

Ombudsman for Minorities

ISBN 978-92-95067-77-6

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Commission for the Protection against Discrimination

National Commission for the Promotion of Equality

MALTA

National Commission for Persons with Disability

NETHERLANDS

Netherlands Institute for Human Rights

NORWAY

Equality and Anti-Discrimination Ombud

Human Rights Defender

PORTUGAL

Commission for Citizenship and Gender Equality

Commission for Equality in Labour and Employment

High Commission for Immigration and Intercultural

Dialogue

National Council for Combating Discrimination

SLOVAKIA

National Centre for Human Rights

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