

## Case Study One

In June 2012 Mrs Thyme was hired through an employment agency to work on a six month contract for Banana Inc, a computer manufacturing company. Mrs Thyme has epilepsy, but her condition is well controlled by medication and the avoidance of situations (including dehydration and exposure to bright flickering light) likely to trigger attacks. She explained this to the employment agency when she joined it in January 2012. At that point, she had not had a seizure for over two years.

Mrs Thyme worked for Banana Inc for 4 months without any difficulty. In November 2009 her supervisor informed her that her work performance was very satisfactory and that Banana Inc would like her to apply for a permanent position. Mrs Thyme completed Banana Inc's application form, and again declared that she had epilepsy. She was asked to attend for interview.

When Mrs Thyme arrived at the interview, she noticed that one of the lights in the interview room was malfunctioning and informed the chair of the interview panel that she had epilepsy and, because of that, would need the malfunctioning light to be turned off. He told her that there was only one switch for all the lights in the room and that, because one of the panel members was partially-sighted, the lighting must stay on. Shortly after her interview, and before leaving the building, Mrs Thyme experienced a seizure.

Mrs Thyme was contacted by Banana Inc's human resources department and told that her application had been successful, providing she was 'physically fit' for the post and, to determine this, she must be medically examined by a doctor nominated by Banana Inc. After examining Mrs Thyme, the nominated doctor telephoned Banana Inc and spoke to one of its human resources officers. The doctor explained that Mrs Thyme had epilepsy and would not therefore be able to work in rooms with strobe lighting and would not be able to drive. Because of this, Banana Inc's human resources officer decided she was not fit for the job and terminated her temporary contract with immediate effect.

1. Does Mrs Thyme have a disability within the scope of the CRPD?
2. How, if at all, can arguments based on the CRPD be used to challenge the decision of Banana Inc?
3. What should Banana Inc have done if it wanted to comply with the CRPD?

## Case Study Two

Tarragon has a psychiatric disorder. Some ten years ago, a court ruled that he was unable to manage his own affairs or to realise the consequences of his actions. As a result he was placed under partial guardianship and a public official was appointed to be his guardian because he had no family to fulfil this role.

Without consulting or informing Tarragon, his guardian placed him in a social care home for men with psychiatric disorders. This home was in a remote village some 250km from where he grew up. He has lived there for about 4 years. Three months after moving there, the director of the home became his guardian.

Tarragon, who enjoyed the outdoors, was allowed to leave the home only with permission from his guardian. On one occasion, when he failed to return home in a timely manner, the director contacted the police who located him and returned him to the home. The conditions in the home were not good. The diet was poor, there were no leisure or exercise facilities, temperatures were poorly regulated and all personal items (including phones and clothing) were taken from residents (to be kept safely) on entry into the home.

Tarragon was very unhappy about the decision to place him in the home and resisted it. However, he was told that he had no right to challenge the decision of his guardian. He has also found out that, because he is under guardianship, he will not be permitted to vote in political elections.

Tarragon has attempted to have the guardianship ended. His guardian has told him that he cannot bring such a case to court without the agreement of the guardian, and this will be refused – along with permission to talk to a lawyer.

1. How, if at all, are arguments based on the CRPD relevant to Basil's situation and what would the CRPD suggest should be done differently for people like Basil?

### **Case Study Three**

Coriander and Rosemary are thirteen years old and pupils at the Grange School. This is a special school for children with learning difficulties. Teachers at this school, unlike teachers in mainstream schools, do not need to have teacher training qualifications and are not required to teach the curriculum covered in mainstream schools.

Coriander is a member of the Roma community, whose parents have had no formal education. After struggling in mainstream school, she was diagnosed as having learning difficulties and so sent to the Grange.

Rosemary is a wheelchair user. None of the mainstream schools in her city were accessible and her parents were advised that the Grange would be the best option for her.

Coriander and Rosemary are both bored and unhappy with the level of education they are receiving at the Grange.

In relation to, first, Coriander and, second, Rosemary – consider

1. Whether a discrimination case could be argued and, if so, on what grounds? and
2. Whether CRPD arguments would be relevant or helpful?