

## CASE STUDY 1 – MARY

Mary, who is a qualified accountant, was diagnosed with the psychosocial disability 2 years ago, on her 30th birthday, following a crisis in her life resulting from a stressful divorce. Having had several years out of employment, Mary is now keen to find work again. She has applied for a range of accountancy jobs but has always been rejected.

In each application she has disclosed her psycho-social disability, and in interviews she has made clear what reasonable accommodation she would require – including flexible working hours and a place at work that she could go to rest if needed.

She has been told by one potential employer that her application failed because they thought it likely that she would not be able to adequately perform the requirements of the job as her illness might recur in a stressful work environment. Another told her that they could not accommodate requests for flexible working hours, especially in the busy tax return season.

She has been told by another that, because she was placed under guardianship following her diagnosis, national law prevents her from entering into employment contracts. Mary was placed under partial guardianship for decisions about medical treatment.

1. Consider how EU law relates to Mary's situation. Focus on the Employment Discrimination Directive 78/2000. How, if at all, might it be used to help Mary?
2. Consider how the CRPD relates to Mary's situation. Focus on Articles 5, 12 and 27. How, if at all, might it suggest that the national government should seek to introduce reforms and changes to its policies and systems?

## CASE STUDY 2 – JOHN

John, has cerebral palsy and arthritis. He is unable to walk for long distances and has difficulties in standing. He is not a permanent wheelchair user but does require use of a wheelchair to travel any significant distance. However, he does not own a wheelchair.

John owns a property abroad and is a regular visitor to it. To get there he uses a state owned and run airport near to his home and usually travels with the same commercial airline, obviously to the same destination.

At the airport, after check-in there is a very long walk, through the duty-free shops, via various bars and restaurants, to the departure gate. John says that he cannot travel this distance without the use of a wheelchair. The airport authority will allow wheelchair users to take their own wheelchairs from the point of check-in to the door of the plane they are travelling on. It also makes available a small number of wheelchairs for others to use, but charges a fee of €20 for doing so. It also points out that there are numerous benches along the route to the departure gates so that John is able to make frequent stops and does not have to make the journey in a single go.

When John has travelled in the past he has regularly found that there is no wheelchair available for him to use. Even when one is available, he resents having to pay the fee to use it, pointing out that non-disabled passengers are not charged to negotiate their way around the airport.

The airline provides no help or assistance at all, taking the view that how John negotiates his way around the airport is a matter solely for the airport authority. It allows up to four passengers per flight to be accompanied by a wheelchair. On one occasion when John flies he is not seated next to his wife who usually helps him when he has problems with mobility e.g. getting him out of his seat and to the toilet.

1. Consider how EU law relates to John's situation. Focus on the Regulation 1107/2006 on passengers with reduced mobility travelling by air. How, if at all, might it be used to help John?
2. Consider how the CRPD relates to John's situation. Focus on Articles 9 and 18. How, if at all, might it suggest that the national government should seek to introduce reforms and changes to its policies and systems?