

## WorkShop 1

### Case Study 1

Mrs. Thyme was hired to work for Banana Inc., a computer manufacturing company. She was recruited by an employment agency and commenced employment with Banana Inc., in August 2009. She was initially employed on a six-month contract. Mrs. Thyme has epilepsy, but her condition is well controlled by medication, and has not had a seizure in over two-years. Equally, prior to the onset of an attack she would experience symptoms up to 24 hours beforehand. At the time of her employment she informed the employment agency of her medical condition.

She worked for Banana Inc. for 4 months without any difficulty, nor was she required to operate heavy machinery during this period. 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. At this point Mrs. Thyme completed Banana Inc.'s application form, where she again declared her epilepsy. After submitting her application form she was told that she would not be required to attend for interview but would be required to undergo a medical examination by a Doctor nominated by Banana Inc. Mrs. Thyme attended the medical examination.

Immediately, following the examination, the Doctor spoke with Banana Inc.'s Human Resources Officer by telephone and told her that Mrs. Thyme suffered from epilepsy. As a result of this conversation, Banana Inc.'s Human Resources officer decided not to offer Mrs. Thyme a permanent post and to terminate her temporary contract with immediate effect, on the basis that she was not fit to operate heavy machinery.

1. Is Mrs. Thyme disabled within the terms of the UNCRPD?
2. If it were possible to rely on the UNCRPD what articles would you use to challenge the decision of Banana Inc? and why?
3. What should Banana Inc have done to demonstrate compliance with any obligation under the UNCRPD?

## Workshop 1

### Case Study Two

Mrs. Rosemary has a condition called manic depression. Mrs. Rosemary lives independently and is involved in society and she takes good care of herself. But she may be considered by some to be very irresponsible with money and occasionally can place herself in situations of danger, it is thought that this is to do with her disability.

Mrs. Rosemary realizes that she is financially irresponsible and wants some support and help to allow her to manage her finances in a better manner. She approaches the authorities to see what if any supports are available. She is told about systems of guardianship and partial guardianship.

Mrs. Rosemary considers her options and she decides to opt for partial guardianship. She is quite happy with the arrangements as the guardianship enabled the court to limit her legal capacity in particular as regards financial matters.

Some time after Mrs. Rosemary opts to be placed in partial guardianship the general elections are called. Mrs. Rosemary has always voted and always been conscientious about exercising her franchise. But she has now discovered that as a result of being placed under partial guardianship that she is subject to an absolute bar on voting.

1. What rights guaranteed by the UNCRPD are affected in the circumstances described above?
2. Should Mrs. Rosemary be allowed to vote?
3. Ought she be assessed to see does she understand the consequences of her decisions?

## Workshop 1

### Case Study 3

John is five years old and has down's syndrome. John is the third of four children and his older sister and brother attend the local primary school, they love it there. John's parents (Tom and Michelle) want John to attend the mainstream school with his brother and sister. Tom and Michelle have always had a good relationship with the school and as they did with their other two children they put down John's name for enrolment. When the school became aware that John had down's syndrome they contacted Tom and Michelle and suggested that they send John to the local 'special school' for children with disabilities. Tom and Michelle do not want to separate John from his siblings, nor do they feel he should be educated separately from the rest of his peers. So they refused this offer from the school and insist he should attend the mainstream school. The school do not refuse, but they highlight all the services they can't provide and suggest to Tom and Michelle that it would be in his best interests to go to the 'special school.'

1. What rights guaranteed by the UNCRPD are affected in the circumstances described above?
2. Should John be entitled to access the local mainstream school.
3. What should John be entitled to by virtue of the UNCRPD?