



Reasonable accommodation beyond the ground of disability



The ground of age

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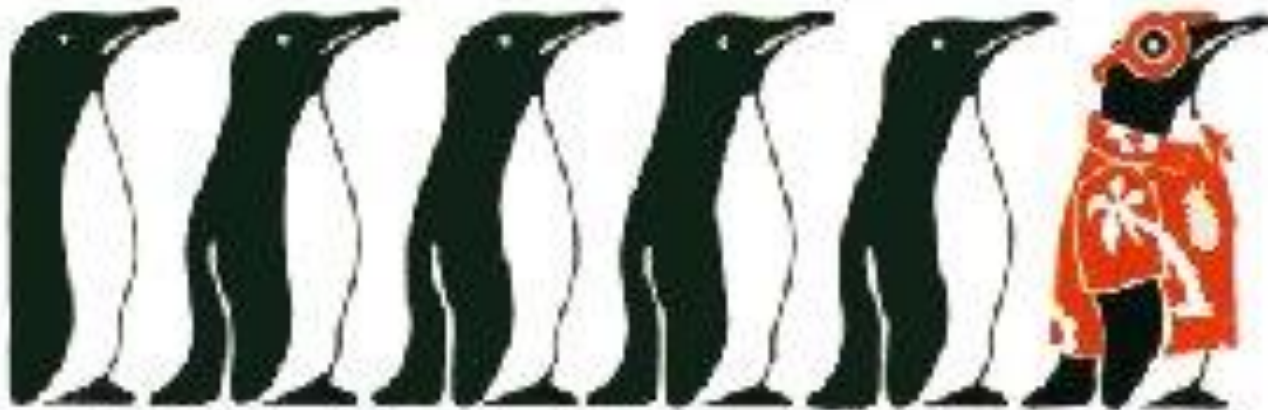
Disclaimer



Do older people need reasonable accommodation? The heterogeneity argument



Personal needs vs. group needs?



Do older people need reasonable accommodation?

The disability argument

- **Definition**
- **Age limits and exclusion from disability policies**
- **Discrepancies in law**
- **Coverage**
- **Examples:**
 - Age limits in retraining
 - E-services



Issues with age equality



- **Lack of explicit prohibition in international law**
- **Limited coverage under EU law**
- **Open list of exceptions and justifications preserve the possibility to make use of age-related distinctions to structure social policies (incl. draft directive)**

Avenues for extending the scope of reasonable accommodation – the case of employment

- **ICESCR GC 6 and ILO Recommendation 162 (1980) concerning Older Workers**
- *‘need for measures to prevent discrimination on grounds of age in employment and occupation’*
- *‘employ older workers in circumstances in which the best use can be made of their experience and know-how’*

Avenues for extending the scope of reasonable accommodation – the case of employment

- **Madrid International Plan of Action on Ageing**

*Older persons with disabilities ... the absence of workplace **accommodation** of their needs.*

*Appropriate **adjustments** ... to ensure that older workers have skills, health and capacity to remain employed into their later years.*

policies to extend employability, such as flexible retirement new work arrangements, adaptive work environments and vocational rehabilitation for older persons with disabilities are essential

Avenues for extending the scope of reasonable accommodation – the case of training

- **UN Principles for Older Persons**

Older persons should have access to appropriate educational and training programmes

- **Madrid International Plan of Action on Ageing**

Training, retraining and education are important determinants of a worker's ability to perform and adapt to workplace changes

Avenues for extending the scope – the case of community living

- **UN Principles for Older Persons**

Older persons should be able to reside at home for as long as possible

- **CoE recommendation on rights of older persons (2014)**

Member States should provide adequate measures of support to enable older persons to have housing adapted to their current and future needs.

Avenues for extending the scope – the case of informal carers

- **CoE Parliamentary Assembly Resolution 1793 (2011) on promoting active ageing**

extending parental leave provisions to enable all unpaid carers responsible for dependent relatives to enjoy an adequate protection of their social rights, including pension rights

- **Madrid International Plan of Action**
- *allow older persons to combine paid employment with other activities*

Avenues for extending the scope – the case of access to justice

- **CoE recommendation on rights of older persons (2014)**
- *Member States should take appropriate measures to accommodate the course of the judicial proceedings to the needs of older persons, for example by providing, where appropriate, free legal assistance and legal aid*



***Reasonable accommodation
or positive action?***

Legal & Policy developments



- **CoE recommendation: calls for explicit reference to “age” in their national anti-discrimination legislation**
- **OAS convention: enshrined principle of ‘preferential treatment’**
- **Future UN Convention: new approach to age equality?**



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