

Comments from the European Disability Forum on OI/3/2003/JMA (18/05/2004)

Correspondence - 13/07/2009

Case OI/3/2003/JMA - **Opened on** 19/11/2003 - **Decision on** 04/07/2007

European Disability Forum > > Forum Européen des Personnes Handicapées Rue du
Commerce 39-41 - B-1000 Brussels - T +32-2 - 282 4600 - F +32-2 - 282 4609 E-mail :
secretariat@edf-feph.org - Site: <http://www.edf-feph.org> Brussels, 18 May 2004 Ref. :
004-071/YV/sb

Dear Mr Diamandouros,

The European Disability Forum (EDF), the representative umbrella organisation of the European disability movement, welcomes your own initiative to open an inquiry into the subject of integration of persons with disabilities, and investigation into whether the Commission has honoured its commitment in relation to disability policy and non-discrimination.

Staff Regulations

EDF welcomes the Commission's actions to reform the Staff Regulations which aims to broaden the scope of the Regulations in order to recognise all discriminatory grounds under Article 13 of the EU Treaties. This action is long over due. However, EDF is unfortunately not in a position to comment on the proposals or draft amendments to the draft Regulations, as at this time as we have not been able to obtain a copy. We hope to have the opportunity to comment on the proposals in due course.

Recruitment

The EDF is aware of some accounts made by disabled people who have participated in the European Commission entrance examination where they have encountered barriers and possible discrimination.

It is of concern to EDF that the European Commission is not particularly transparent in relation to the proactive methods it undertakes to recruit disabled persons. In the comments submitted by the European Commission to the European Ombudsman with regard recruitment by EPSO we note that a sub-working group has been established which has produced a report on the



accessibility of the recruitment process for candidates with visual impairments. While this is welcome, it is insufficient and concrete action is needed to cover the needs of ALL disabled persons.

The fact that the working environment of the European Commission is so inaccessible will have the effect of discouraging possible disabled candidates. All actions by the European Commission in this area must be transparent and subject to clear and open rules of operation drawn-up by experts in the field of disability and equal opportunities recruitment and subject to regular and independent assessment.

Revised Code of Good Practice

EDF is concerned and disappointed that representative disability organisations were not consulted in the recent review of this The EU Code of Good Practice for the Employment of People with Disabilities in order to give advice on how it could be improved.

There are a number of weaknesses in the Code. For example, the Code should recognise a much broader definition of disability-based discrimination which covers all potential victims of such discrimination. The Code should cover people who currently have a disability; people who may have had a disability in the past; people who may have a disability in the future; family members or people who associate with a person with a disability and people who are victimised because they made a complaint about discrimination or exercised another non-discrimination right. Furthermore, the disability audit referred to in the Code should be undertaken by independent experts trained in disability, equal opportunities and non-discrimination issues.

Accessibility of Buildings

EDF is concerned that the European Commission Communication on Buildings Policy and Infrastructures in Brussels (COM(2003)755 final) does not give greater attention to the issue of accessibility for disabled persons across all the main elements of the Action Plan. For your information, we attach a letter we sent to Commissioner Kinnock which presents the detailed response of EDF to this Commission Communication.

EDF is also disappointed that the European Commission refused to participate in a comprehensive independent accessibility audit of the EU institutions, an initiative launched by the European Parliament in 2003 in response to calls from the Disability Intergroup of the European Parliament.

Accessibility of Documents

EDF welcomes some of the efforts undertaken by the European Commission to produce material in Braille for persons with visual impairments. However, much more needs to be done to ensure that material that is available to the general public is produced in alternative formats upon request (Braille, large print, easy-to-read) and without undue delay. It is important for the Commission to recognise that it is not only persons with visual disabilities who may require



information in accessible formats but other disability groups, in particular persons with learning disabilities, deafblind persons and deaf persons.

Particular effort and attention must be devoted by the European Commission to ensuring documents and materials posted on its website are fully accessible for disabled people. Specifically, the problems caused by inaccessible PDF files need to be addressed. Independent and comprehensive assessment of the European Commission's website, with use of access technology, should be undertaken every year in order to ensure the Commission sites comply with WAI guidelines.

EDF would welcome a decision by the European Ombudsman to extend the scope of the investigation to the other EU institutions.

Should you have any questions arising from the contents of this letter, please do not hesitate to contact us.

Yours sincerely

Yannis Vardakastanis President, the European Disability Forum

Rt. Hon. Neil Kinnock Vice-President European Commission Rue de la Loi 200 Brussels 26
March 2004 004-037-YV

Dear Vice-President Kinnock Re: Communication on Buildings Policy and Infrastructures in Brussels

The European Disability Forum (EDF), the umbrella body of the European Disability movement, was delighted by the commitments you made at the launch of the European Mobility Week on Accessibility (16 September 2003) where you declared that 60 of 64 Commission buildings will be accessible within two years. We are writing to request that disability organisations, such as EDF, are consulted in the progression of this initiative both to guarantee the highest level of accessibility and to work to ensure mistakes are avoided.

EDF has reviewed the European Commission Communication on Buildings Policy and Infrastructures in Brussels (COM(2003)755 final) in detail. Although the Communication does give some recognition to issues of disability access, EDF is disappointed that it does not give greater attention to accessibility for disabled persons across all key elements of the Action Plan. In building on the momentum from the European Year of People with Disabilities, the Commission must, in its role as a public institution, demonstrate a strong commitment to accessibility.

"Since the Commission occupies a large number of buildings in Brussels, Luxembourg and in the Member States, it should be the first to set 'good practice, on accessibility.'"



These words are taken from the Report, 2010: A Europe Accessible for All (October 2003), prepared by the Group of Experts on Accessibility to the Built Environment which was set up by the European Commission. The Experts' Report, which calls on public authorities to lead the way, emphasises that accessibility is a concern for everyone not only for those with disabilities; that participation and consultation of people with disabilities is crucial; and that accessibility is key to sustainable development. EDF fully endorses these principles and calls on the Commission to set an example.

EDF is disappointed that the only substantial reference to accessibility in the Commission Communication appears in section 2.2.1 'Accessibility and Quality of Commission Buildings'. Explicit recognition must be given to the diverse nature of disability and the principle of design-for-all which should be used in planning the Commission's Building Policy; an approach which incorporates the needs of all users. EDF is also disappointed that the Commission Communication subjects accessibility to budgetary and technical constraints; accessible design is cost-neutral if it is factored into the work from the beginning.

EDF believes that greater attention to ensuring accessibility for disabled people should also be given in Section 2.3 'Policy on Mobility' which devotes just one sentence to the important question of mobility of persons with disabilities and gives no reference to the need for accessible public transport routes to the European Quarter as well as accessibility provisions for disabled drivers such as reserved parking spaces near accessible entrances.

The importance of the needs of disabled Commission staff has not been recognized in Section 2.4 of the Communication, 'Working Environment and Conditions'. Not only must the Commission be accessible to the European public, but as a significant employer, it must be willing to actively implement the principle of non-discrimination now enshrined in the Framework Directive on Equal Treatment in the Workplace (2000/78 EC) by ensuring that current staff with disabilities have accessible workplaces, and also that in the future, people with disabilities are not prevented from working at the Commission because of a lack of accessibility.

In Section 4, "Adopting a strategy with regard to renting, purchasing or renovating buildings" the Communication refers to the renegotiation of leases which will soon expire for 11 buildings, as well as the need for additional office space for new agencies; it is imperative that the Commission applies in its building selection process, as fundamental criteria, the accessibility and adaptability of those spaces. The Commission must send out a message about the seriousness of its commitment to accessibility by refusing to renew leases for buildings which are inaccessible.

The Commission Communication provides no recognition of the need to use an independent accessibility expert to ensure that Commission buildings meet accessibility criteria. A further weakness is that the Communication does not give recognition for the need to consult with representative disability organizations, such as the European Disability Forum, in the preparation of rules on accessibility of Commission buildings and infrastructure.



There are several initiatives (with completion dates) in the Action Plan annexed to the Communication which we are keen to follow. We would be grateful if you could inform us of progress in these areas:

- Adaptation of the Building Standards Manual to take into account, among other things, accessibility for people with disabilities (March 2004)
- Detailed Report on mobility of Community staff and reinforcement of alternative modes of transport in particular for people with reduced mobility (April 2004)
- Analytical report with recommendations on Renovating Buildings (June 2004)
- Recruitment of a consultant and launch of a mobility survey (June 2004) and drawing up a mobility plan (December 2004)

It is essential to engage in full consultation with disability access experts in the adaptation of the Building Standards Manual as this will be the guiding instrument for improving the accessibility of Commission buildings. We understand that the Architects' Council of Europe is already being consulted in the revision of the Manual and we ask that the Commission also consults with the European Disability Forum and the European Concept of Accessibility network - an important group of experts whose advice would be helpful (see their website www.eca.lu [Link]). EDF would also be pleased to participate in consultation on the other areas mentioned above.

Attached please find an Annex document that further outlines some of our comments to the Commission Communication on Buildings Policy.

The European Disability Forum looks forward to receiving your response to the above issues and we hope we can work in cooperation towards making European public institutions truly accessible to all.

Yours sincerely,

Yannis Vardakastanis President European Disability Forum

Annex - EDF Comments to Communication from the Commission on Buildings Policy and Infrastructures in Brussels (COM(2003)755 final) **2.1 Integrating the Commission's buildings into the urban fabric**

The Communication suggests that in order to further develop Europe's image, the quality of its buildings must be improved and states that this "involves choosing quality architecture that combines efficiency, sobriety and attractiveness and ensuring that each building conveys a welcoming open image."

But quality architecture is primarily accessible architecture. Not only should openness be apparent, but as a public institution the Commission's building should be fully accessible to all. People with disabilities include people with hearing, visual, intellectual and physical disabilities and their accessibility needs are diverse.



2.2 Improving the accessibility and quality of Commission buildings

Accessibility and Design-for-All principles must permeate all provisions of the Commission Building Standards Manual. Accessibility is a concern for everyone and the needs of all users, including for example employees, clients, maintenance personnel, fire fighters, must be considered.

All spaces within Commission buildings must be accessible - this means easy access, movement and use of the whole building (this includes everything from interpreters booths, to conference auditoria, press offices, bars, toilets, cloakrooms, etc. EDF would like to remind that accessibility means much more than ensuring wheelchair access - it means for example, providing sufficient lighting, ensuring there is adequate signage, designing reception areas that have lower counters for wheelchair users and that have the necessary technology installed to facilitate communication by text relay services. Accessibility also means easy and safe evacuation in case of accident or fire.

The Experts Group on Accessibility to the Built Environment, in their Report, underline that "public authorities can trigger a decisive shift in attitudes towards accessibility for all requirements if they use the leverage they have, when tendering public works and services... To ensure real progress in this area, decisions must be made about accessibility by the purchasers/tenderers at an early stage. At this moment, purchasers should be requested to perform accessibility appraisals."

EDF calls on the Commission to adopt such practise immediately. Also in line with recommendations of the Expert Group, EDF calls on the Commission to set up an advisory group to deliver an opinion to the Commission on all initiatives with accessibility implications, prior to their adoption.

We would also note that the wording used in the English version of this section of the Communication is inappropriate; it refers to 'Accessibility for handicap people' rather than referring to 'persons with a disability' or 'disabled people'.

2.3 A policy of mobility

People with reduced mobility who can benefit from accessible transport include parents with children, people with temporary injuries, pregnant women, older people and people with disabilities.

We would like to emphasise the importance of ensuring that a Commission Mobility Policy clearly addresses the issue of accessibility. Accessible transport must be provided to ensure mobility for all employees and guests between Commission buildings and measures must be taken to accommodate those employees who cannot benefit from the public transport system for their journeys to work from home.



Ultimately all public transport in Brussels will be accessible to people with disabilities but we are currently far from that reality. The Commission should lobby the STIB to ensure that the No.22 bus is accessible to all. If not already the case, the Commission should also establish a policy whereby employees with disabilities have their taxi expenses reimbursed when traveling to and from meetings at other Commission buildings or beyond. Commission employees with disabilities should not be subject to the same Commission policy that requires its employees to travel by public transport until public transport in Brussels is truly accessible to all.

While a reduction in the ratio of parking space to office space, imposed by Regional planning policy, will mean a more sustainable pattern of mobility, we are keen to see that appropriate provisions are taken within the Commission to ensure that the mobility of Commission employees or visitors with disabilities who rely on a car is not diminished.

2.4 Working environment and conditions

Section 2.4.2 addresses the issue of social amenities and in particular childcare and sporting facilities. We would underline that all childcare and sporting facilities must also be fully accessible and any renovations foreseen must guarantee this.

Architectural elements such as the height of counters in cafeterias and reception areas, the layout of meeting rooms, the installation of information and communication technology (including hearing loops) in conference rooms, the location of accessible toilets, and the colour contrast of interior design must conform to accessibility standards.

3. Implementing the buildings policy in the short and medium term

Investing in accessibility now is a long-term sustainable investment for the future that the Commission must be committed to.

4. Adopting a strategy with regard to renting, purchasing or renovating buildings

The Communication refers to the renegotiation of leases which will soon expire for 11 buildings, as well as the need for additional office space for new agencies; it is imperative that the Commission applies in its building selection process, as fundamental criteria, the accessibility and adaptability of those spaces. The Commission must send out a message about the seriousness of its commitment to accessibility by refusing to renew leases for buildings which are inaccessible.