



NEWS REPORT

Date: 22 June 2010
Expert : Corina Demetriou
Title: Dismissal of an assistant clerk with a speech impediment
Country: Cyprus

Context

Issue at stake: The equality body found that the speech impediment constitutes disability according to national law and ECJ rulings

Ground of discrimination: Disability

Source: Equality body report

Field: Employment

Legislative provisions: Law on Persons with Disability (Amendment) 2004; Council Directive 2000/78/EC;

Content

Case: In December 2007 a complainant with a speech impediment lodged a complaint with the equality body against a public hospital for dismissing her from the position of assistant clerk, where she had been appointed a week earlier following her success at written and oral examinations. The reason given to her for her dismissal was that she was not working efficiently. The equality body's investigation revealed that the hospital authorities felt that the applicant's speech problem (she was slow in her speech) rendered communication with the public very difficult. The hospital authorities claimed that efforts were made to relocate her to another post where she would not have to serve the public but no such effort was recorded anywhere nor did it yield results since the complainant was dismissed one week after she started work.

Decision of the Equality Body: The equality body found¹ that the complainant's speech impediment amounts to a disability according to national legislation² as well as according to the ECJ ruling in the case of Chacon Navas³ where disability was defined as a disadvantage owing to a physical, intellectual or psychological illness which restricts the participation of a person in professional life for a long period of time. Based on this finding, the report concluded that the complainant's dismissal was due to her disability and thus amounted to discrimination prohibited by law, particularly as the hospital authorities failed to take reasonable accommodation measures by, for instance, delegating to the complainant other more suitable duties. The complainant remained out of work since she was dismissed and the District Labour Office does not refer her to interviews for other positions because of her dismissal from the hospital. The equality body invited both parties to a consultation prior to issuing final recommendations, stating its intention to include in the final recommendations measures for the reinstatement of the unfairness suffered by the complainant.

Internet link source and additional information: this decision has not been uploaded on the equality body's website and it is not available on line anywhere else,

¹ File Numbers A/Π 2898/2007, A.K.I. 10/2010, dated 23.02.2010

² The Law on Persons with Disability 2000-2009 defines disability as any type of disadvantage or inefficiency which causes physical, intellectual or psychological restriction of an indefinite or permanent duration which substantially reduces or excludes the possibility of performing one or more activities or functions considered normal and essential for the quality of life for a person of the same age.

³ Case No. C-13/05.