



NEWS REPORT

Date: 29 December, 2009
Expert: Latraverse, Sophie
Title: Conseil d'Etat, n° 318565, 18 November, 2009
Country: France

Context

Issue at stake: Annulment of the decision setting the results of a hiring entry examination for employment in the public service, for insufficient accommodation of a disabled candidate who had requested reasonable accommodation to participate in the exam

Ground of discrimination: of Disability

Source: National court decision

Field: Employment

Legislative provisions: Article 27-1 paragraph 4 of the Law of January 11, 1984 relating to rules applicable to State public service

Content

Case: Article 27-1 paragraph 4 of the Law of January 11, 1984 relating to rules applicable to State public service implements derogations to the ordinary conditions in which a hiring entry examination is conducted to enter State civil service, for disabled candidates who present a request, in order to adapt the length of the examination and to organize the human and technical support they expressly request at the time of their registration to pass the examination. The person to assist must have a level of education superior to that of the student.

The petitioner is visually impaired. He submitted a request for additional time and the assistance of a third person in order to read the documents of the file which were to be summarized during the synthesis capacity test. At the time of the examination, the person who was delegated to assist him said she was there to assist him only to draft the answers to the test. In the end, an aid to read the documents was proposed to petitioner, but the person designated did not have the necessary level of skills to properly assist the candidate.

Decision of the Court: Since the assistance supplied to the Petitioner did not conform to the requirements of the law, the conditions of the entry examination were irregular and the petitioner is well founded in requesting the annulment of the entry examination. The Petitioner is authorized to sit the entry examination again.



Internet link source and additional information:

<http://arianeinternet.conseil-etat.fr/arianeinternet/getdoc.asp?id=91301&fonds=DCE&item=1>