



## NEWS REPORT

|                                  |   |
|----------------------------------|---|
| <b>Date:</b>                     | 6 June 2011   |
| <b>Expert:</b>                   | Neža Kogovšek Šalamon   |
| <b>Title:</b>                    | Disability and Health Status Discrimination by Insurance Company  |
| <b>Country:</b>                  | Slovenia  |
| <b><u>Context</u></b>            |   |
| <b>Issue at stake:</b>           | The policy of an insurance company that refuses to provide accident insurance to persons suffering from depression, anxiety or intellectual disability constitutes discrimination, finds the Advocate of the Principle of Equality. |
| <b>Ground of discrimination:</b> | Disability  |
| <b>Source:</b>                   | Advocate of the Principle of Equality, decision no. 0921-36/2009/6 of 31 January 2011   |
| <b>Field:</b>                    | access to goods and services  |
| <b>Legislative provisions:</b>   | Article 11, para. 3 of the general conditions for accident insurance of the insurance company concerned<br>Article 83, para. 6 of the Insurance Act<br>Article 8 of the Act on Equal Opportunities for People with Disabilities     |

### Content

**Case:** The applicant filed a claim with the Advocate of the Principle of Equality (equality body in Slovenia) alleging that the insurance company *Adriatic Slovenica* refused to provide accident insurance services to persons with health diagnosis of depression. Article 11, § 3 of the general condition for accident insurance of *Adriatic Slovenica* stated that a person who suffers from damage of brain vascular system, epilepsy, alcoholism, drug abuse, intellectual disability, schizophrenia, depression or paranoia are not entitled to accident insurance. The insurance company substantiated these rules by stating that for these groups of persons there was a greater insurance risk and therefore a higher chance of accidents to occur because of these health conditions. Further, the insurance company invoked Article 83, § 6 of the Insurance Act which allows insurance companies to take into account, in accordance with the rules of the insurance profession, personal



circumstances related to health status and disability to select their customers, assessment of danger, calculation of insurance fees and payment of insurance sums.

**Decision of the Equality Body:** In addition to the issue of discrimination on the grounds of health status invoked by the applicant, the Advocate of the Principle of Equality also examined the effect of these insurance policies on people with intellectual disabilities. The Advocate found that these policies constituted direct discrimination on the grounds of health status and disability.

No justified reasons for such policies with respect for health status and disability were identified in any of the concerned acts. The advocate found that the insurance company only invoked “the rules of the insurance profession” but it did not state any particular explanations which legitimate goals these exclusion provisions are pursuing. The Advocate concluded that the insurance company is only pursuing economic goals, which by itself are not a sufficient justification of discrimination. Further, the Advocate stated that it is not possible to generalise that there is an equally strong causal relationship between accidents and the stated health and disability conditions. The Advocate recommended the insurance company to issue an apology letter to the applicant, to change Article 11, § 3 of its general conditions for accident insurance in accordance with the duty of reasonable accommodation for people with such personal grounds, and to submit to the Advocate a report on implementation of these recommendations.

**Internet link source and additional information:**

<http://www.zagovornik.net/si/informacije/informacije-javnega-znacaja/praksa/index.html>