

# **GUIDELINES FOR APPLICATION OF THE INTERNAL RULES IMPLEMENTING ARTICLE 1d(4) OF THE STAFF REGULATIONS, ADOPTED BY THE SECRETARY-GENERAL ON 1 April 2015 (RECOGNITION OF A DISABILITY AND PROVISION OF REASONABLE ACCOMMODATION)**

The purpose of these guidelines is the practical implementation of the internal rules of 1 April 2015 implementing Article 1d(4) of the Staff Regulations (referred to below as the internal rules) which, in accordance with Articles 10, 80(4) and 128 of the Conditions of Employment of Other Servants, also apply to temporary staff, contract staff and accredited parliamentary assistants.

Any reference in these guidelines to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex.

## **A. DEFINITIONS AND RESPONSIBILITIES**

### **1. Competent authority:**

In accordance with the Bureau decision of 13 January 2014, the appointing authority / the authority authorised to conclude contracts (referred to below as the AA/AACC) within the meaning of these guidelines is the Director for Management of Support and Social Services. This authority shall take the decisions recognising the disability, establishing reasonable accommodation measures and, where appropriate, deciding whether the measures entail a disproportionate burden.

### **2. Unit responsible for preparing and monitoring the decisions:**

The Prevention and Well-being at Work Unit shall be responsible for preparing and monitoring the decisions to be taken.

### **3. Concept and types of reasonable accommodation measures:**

3.1. 'Reasonable accommodation' in relation to the essential functions of the job is understood to mean appropriate measures, where needed, to enable a person with a disability to have access to, to participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the European Parliament.

3.2. Reasonable accommodation may comprise, in particular, software and communication techniques, interpretation/computer-aided transcription, mobility aids (wheelchair or electric scooter for occasional use in the buildings), adaptation of working time (part time, structural teleworking when this is applied by Parliament), accommodation or adjustments in relation to infrastructure, adjustment of tasks to be performed and assistance of the person concerned in the workplace by Parliament services. For staff already employed in Parliament, this may mean a change of duties or, with the explicit agreement of the person concerned, a change of place of employment.

#### **4. Advisory Committee on Reasonable Accommodation:**

‘Advisory Committee on Reasonable Accommodation’ is understood to mean the committee referred to in Article 7 of the internal rules.

### **B. RECOGNITION OF THE DISABILITY**

#### **B.1. Criteria for recognition of a disability**

**5. Minimum degree of disability:** An official or other staff member is recognised as having a disability within the meaning of Article 1d(4) of the Staff Regulations if he has an impairment causing a disability that is equal to or greater than 30% (physical impairment) or 20% (mental impairment).

**6. Basis for establishing the percentage:** The degree of disability is established by the medical officer responsible<sup>1</sup>, on the basis of the European physical and mental disability rating scale for medical purposes, which is appended to the common rules on the insurance of officials of the European Union against the risk of accident and of occupational disease [https://epintranet.in.ep.europa.eu/files/live/sites/epintranet/files/human-resources/disability/disability\\_assessment/bareme\\_europ/bareme-europeen\\_en.pdf](https://epintranet.in.ep.europa.eu/files/live/sites/epintranet/files/human-resources/disability/disability_assessment/bareme_europ/bareme-europeen_en.pdf). In establishing the degree of disability, the medical officer may take account of other aspects that he considers relevant.

#### **B.2. Documents on the basis of which a disability may be recognised**

##### **7. Documents that form the basis of the decision:**

7.1. The AA/AACC shall recognise a candidate’s disability at the time that he is recruited, on the basis of an opinion delivered by Parliament’s medical officer.

7.2. The AA/AACC shall recognise the disability of an official / other staff member already employed in Parliament on the basis of (a) the opinion of Parliament’s medical officer, delivered following a request in writing that the person concerned has sent to the AA/AACC, accompanied by the form (Annex 1) to be filled in by the doctor treating the person concerned, who must state the degree of disability, established in accordance with the rating scale cited in point 6 of these guidelines, and (b), where appropriate, on the basis of a medical examination carried out by the medical officer.

7.3. The medical officer may request additional examinations to be carried out by medical specialists, the costs of which shall be borne by Parliament.

#### **B.3. Procedure for recognising a disability during recruitment**

##### **8. Procedure during recruitment:**

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<sup>1</sup> The medical officer responsible is the medical officer in the place of employment of the person concerned.

8.1. The presence of a disability shall be established during the medical examination at the time of recruitment, by the medical officer responsible. The medical officer shall have a period of 10 working days to deliver an opinion to the AA/AACC.

8.2. If the medical officer considers that further examinations are necessary, he shall deliver his opinion during the 10 working days following receipt of the results of these examinations.

8.3. The AA/AACC's decision shall be forwarded to the person concerned.

#### **B.4. Procedure for recognising disabilities of officials and other staff already employed in Parliament**

#### **9. Procedure when the person concerned is already employed in Parliament:**

9.1. Officials and other members of staff already employed in Parliament who believe a disability within the meaning of point 5 of these guidelines should be recognised must send to the AA/AACC<sup>2</sup> in a sealed envelope a request in writing, accompanied by the form specified in annex 1 of these guidelines, filled in by their doctor, to the Medical Service in their place of employment.

9.2. The medical officer shall deliver his opinion to the AA/AACC within 10 working days, where appropriate after a medical examination of the person concerned. If the medical officer considers that further examinations are necessary, the opinion shall be delivered within the 10 working days following receipt of the results of these examinations.

9.3. The AA/AACC's decision shall be forwarded to the person concerned.

### **C. PROCEDURE FOR PROVISION OF REASONABLE ACCOMMODATION**

#### **10. Procedure for provision of reasonable accommodation:**

10.1. If a disability has been noted during recruitment, the medical officer responsible shall attach to his opinion addressed to the AA/AACC a proposal in writing for reasonable accommodation measures to assist the person concerned in carrying out the essential functions of the job concerned.

10.2. Officials and other staff already employed in Parliament who have a recognised disability and who consider that they are entitled to reasonable accommodation must send a request to the AA/AACC<sup>3</sup>, using the reasonable accommodation request form found in Annex 2.

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<sup>2</sup> Requests should be sent to the Director for Management of Support and Social Services. For staff in Luxembourg the address is GEO 04A007. For staff in Brussels and other workplaces the address is MTY 03R014.

<sup>3</sup> Requests should be sent to the Prevention and Well-being at Work Unit, referred to in point 2 of these guidelines. The unit processes each request in order for the AA/AACC to take a decision. For staff in Luxembourg the address is GEO 04/A023. For staff in Brussels and other workplaces the address is MTY 03R018.

## **11. Involvement of the advisory committee:**

11.1. The Prevention and Well-being at Work Unit shall inform the advisory committee as soon as possible, by forwarding the full file (request, completed form).

11.2. The committee shall deliver its opinion within 10 working days and send it directly to the AA/AACC; failing receipt of the opinion within this time period, the AA/AACC can legitimately proceed to take its decision. If the advisory committee wishes to consult external or internal specialists, it shall have an additional period of five working days.

11.3. If this concerns a request during a recruitment procedure, the AA/AACC shall inform the Director of Resources with responsibility for the person concerned, or his equivalent, of reasonable accommodation measures that are needed to enable the person concerned to carry out the essential functions of his job. Within a period of five working days, the Director of Resources or his equivalent may send the AA/AACC his comments in writing on the impact that these measures might have on the operation of the department.

## **12. Decision establishing reasonable accommodation measures:**

12.1. The AA/AACC shall take a decision within the 10 working days following reception of the advisory committee's opinion. It may ask the opinion of the authorising officers concerned.

12.2. In the event of a negative decision because of the disproportionate nature of the reasonable accommodation measures, the AA/AACC must provide a reasoned decision.

12.3. The AA/AACC's decision shall be notified to the person concerned and to the Director of Resources concerned or his equivalent. In the event of recruitment, the decisions shall also be notified to the Unit responsible for the recruitment of the person concerned.

## **D. OTHER PROVISIONS**

### **13. Placing on file of the original documents of the decisions taken:**

The originals of the decision recognising the disability and the decision establishing the reasonable accommodation measures shall be placed in the personal file of the person concerned.

### **14. Legal nature of the time periods involved:**

Apart from the time limits for delivery of the advisory committee's opinion (point 11.2), all the other time limits are specified for reasons of good administrative practice.

### **15. Measures and equipment excluded:**

The procedure described in the internal rules and in these guidelines does not apply to: (a) ordinary ergonomic measures granted on the basis of a favourable opinion by the Prevention and Well-being at Work Unit's ergonomics specialist (a list of these measures is attached to these guidelines in Annex 3: list A); (b) equipment for which a positive opinion by the

medical officer is sufficient, an indicative list of which is attached to these guidelines (Annex 4: List B).

**16. Implementation of the decision establishing reasonable accommodation measures:**

The Director of Resources with responsibility for the person concerned, or his equivalent, shall ensure the actual implementation of the reasonable accommodation measures established, in cooperation with the Directorates-General concerned, while the Prevention and Well-being at Work Unit shall check their effectiveness.

**17. Entry into force:** These guidelines shall enter into force on the day that they are published by the Director-General for Personnel.

Annexes

- Sample form: Medical certificate to assess a disability (Annex 1)
- Sample form: Reasonable accommodation request form (Annex 2)
- List A: Ergonomic measures granted following a favourable opinion by the ergonomics specialist (Annex 3)
- List B: Ergonomic measures granted following a favourable opinion by the medical officer (Annex 4)

Herwig Kaiser  
Director-General for Personnel

(s) 11.12.15