



19.06.2020

## **MEDIATION BRIEFING**

### **Access of a disabled worker to the premises of an educational institution**

The Ombudsman investigated a complaint by an employee with disabilities in the department of antiquities and art conservation of the University of West Attica concerning the lack of suitable infrastructure for access to the Institution's laboratories, which were located in the basement of the building. In particular, there was an inappropriate ramp for access to these areas (slope 26 %), which did not allow for use by a wheelchair without the assistance of two people. In accordance with the legislation in force (Law 4443/2016), the employer is required to take all appropriate measures to enable disabled persons to have access to their place of employment, provided that such measures do not result in a disproportionate burden on the employer.

The lack of adequate infrastructure has been judged by the European Court of Human Rights (*Enver Sahin v Turkey*, *Sanslisoy v Turkey*), as discrimination against disabled students and explicit violation of Article 14 of the ECHR and Article 2 of the Additional Protocol (right to education).

At the same time, the Ombudsman referred to the provisions of the UN Convention on the Rights of Persons with Disabilities, which lays down the obligation of the Member States that have ratified it to take appropriate measures to enable people with disabilities to live independently and to participate fully in all aspects of life and guarantee legislation implementing these measures (Law 4488/2017, Law 4067/2012, on accessibility to buildings). The University of West Attica responded directly to the Ombudsman's mediation and proceeded to speed up the required procedures and take all necessary measures to modernise its infrastructure and ensure the accessibility of people with disabilities within its facilities.

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