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## **COMMUNITY LAW PROTECTS AN EMPLOYEE WHO HAS SUFFERED DISCRIMINATION ON GROUNDS OF HIS CHILD'S DISABILITY**

Autism-Europe welcomes the judgement of the European Court of Justice on the Coleman case that will benefit the rights of millions of employees taking care of disabled relatives and protect them from indirect discrimination.

The UK citizen Sharon Coleman, a legal secretary in London, was unlawfully forced out of her job for demanding flexible hours to look after her disabled son. The Court considers that the prohibition of discrimination laid down by the directive on equal treatment in employment and occupation<sup>1</sup> is not limited to disabled people alone.

The Court concludes that the directive must be interpreted as meaning that the prohibition of direct discrimination laid down therein is not limited only to people who are disabled. Consequently, where an employer treats an employee who is not himself disabled less favourably than another employee in a comparable situation, and it is established that the less favourable treatment of that employee is based on the disability of his child, whose care is provided primarily by that employee, such treatment is contrary to the prohibition of direct discrimination laid down by the directive.

With regard to harassment, the Court adopts identical reasoning and concludes that the relevant provisions of the directive are not limited only to people who are themselves disabled. Where it is established that unwanted conduct amounting to harassment is suffered by an employee in the same situation as that of Ms Coleman, such conduct is contrary to the prohibition of harassment laid down by the directive.

Evelyne Friedel, President of Autism-Europe, hailed this judgment as a "major step forward to the full recognition of the rights of the carers of persons with disabilities".

**Autism-Europe** is a European network which ensures effective liaison between approximately 80 member associations of parents of persons with autism in 30 European countries, governments and European and international institutions. In order to implement its objectives, Autism Europe has built strategic alliances with social partners to maximise its impact on EU policies and to establish a structured dialogue with the European Institutions. Autism-Europe is a founding member of and strictly collaborates with the European Disability Forum (EDF) and the Platform of European Social NGOs. European Union (EU), the Council of Europe (CoE) and the World Health Organisation (WHO) Autism-Europe's overarching statutory mission is to improve the quality of life of all persons with autism and their families by promoting and defending their rights. This is achieved through:

- Representing persons with autism towards all EU institutions
- Promoting awareness on the appropriate care, education, and well-being of persons with autism
- Promoting the exchange of information, good practices and experience.

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