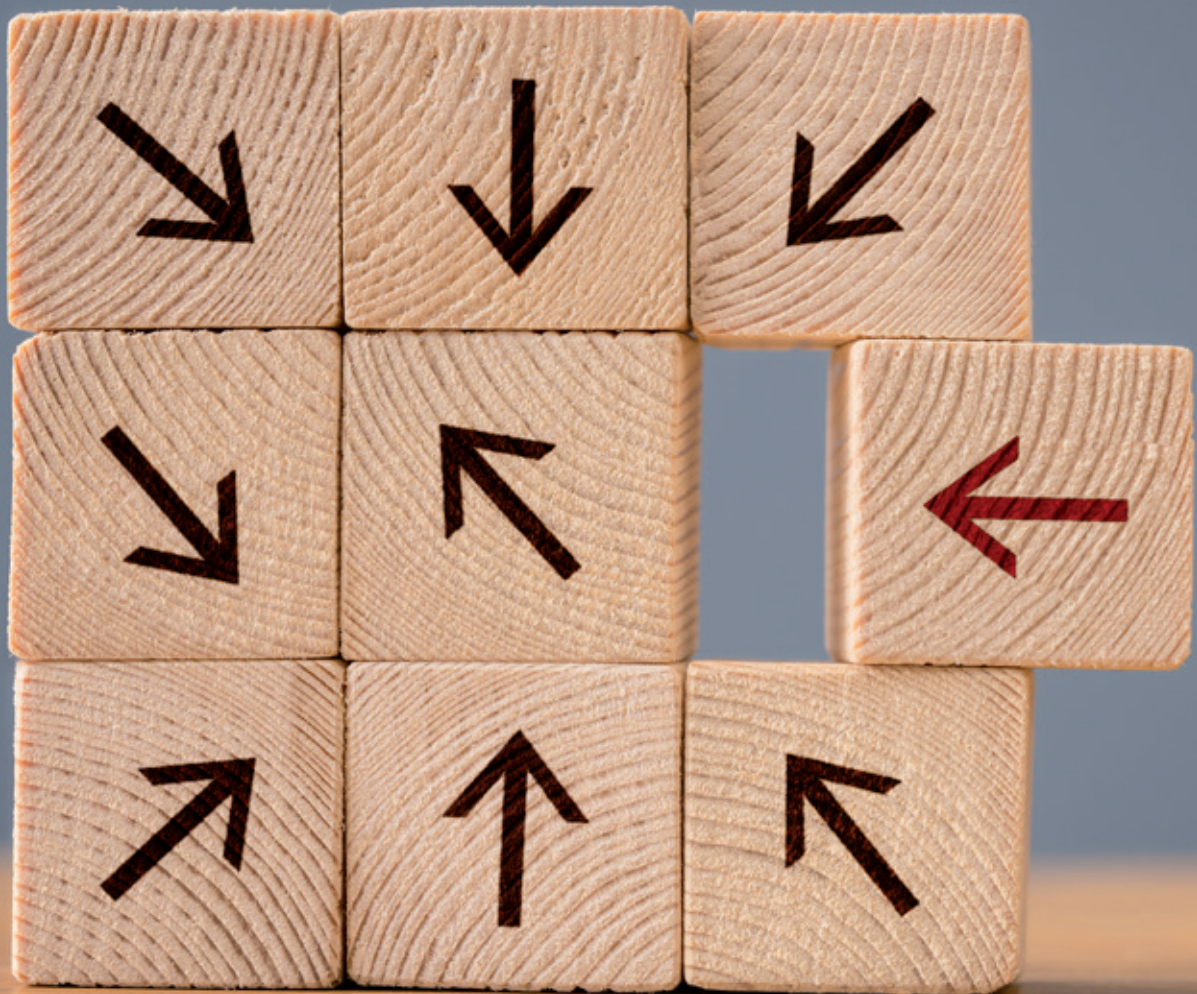




# Inclusion policy for people with disabilities





# Introduction

Diversity is a source of collective strength and provides the wealth of different perspectives needed to sustain a culture of innovation. Achieving diversity and inclusion at the European Patent Office (EPO) is a key strategic priority when it comes to fostering talent, flexibility, organisational efficiency and long-term sustainability.

The EPO's success depends on a diversity of talents, not a pre-conceived notion of ability. With its inclusion policy for people with disabilities, the EPO aims to attract and retain talent by reinforcing its commitment to a diverse and inclusive Organisation and working environment.

The principles outlined in this policy are in line with the UN Convention on the Rights of Persons with Disabilities. They also reflect best practices to promote diversity in the workplace as adopted by other international organisations like the International Labour Organisation and the European Commission.

Lastly, this policy applies the guiding principles set out in the EPO's Health and Safety policy (published on 13 November 2018), and particularly its vision to ensure the inclusion of staff with disabilities and facilitate their integration. It also outlines a procedure for requesting reasonable adjustment, which is one of the main tools supporting this policy.

With this new policy we have produced a roadmap for building a more inclusive culture. Going forward, it will ensure that the EPO continues to celebrate diversity as a core value.

António Campinos  
President of the European Patent Office

Munich, March 2020

## Principles

- We are committed to respecting difference and providing a healthy, safe and stigma-free environment for all EPO staff and all people on EPO premises. Differences are respected, in line with international best practices.
- We promote substantive equality for all staff, applicants, visitors and users with disabilities and will actively take measures to prevent any form of discrimination on the basis of disability.
- We endorse the internationally accepted approach focusing on the social model of disability, according to which disability is not only caused by medical conditions, but may also stem from people’s attitudes to impairment and environmental barriers.
- We seek to hire and retain highly skilled and talented individuals who can produce high-quality work, regardless of any disabilities they may have.
- We provide equal employment opportunities for people with disabilities and will take steps to attract, recruit, retain and promote qualified individuals with disabilities at all levels.
- We believe that all staff have unique skills and capabilities and that diverse skills, viewpoints and abilities have a number of positive effects for the EPO, including a greater capacity for innovative thinking and problem-solving.
- We aim to provide an accessible and welcoming Organisation by systematically eliminating any infrastructural, technological and cultural barriers to a disability inclusive environment.



- We are committed to investing in diversity and inclusion training to create an environment in which all people are valued and respected, including those with disabilities.
- We will deepen our staff's understanding of disability inclusion, promote the rights of people with disabilities and raise awareness of disability inclusion via proactive communications on these topics.
- We offer a comprehensive support to staff with disabilities and their children with disabilities through a generous social security scheme and a special children's allowance.
- We recognise that providing reasonable adjustments is a key measure for making the workplace more inclusive and boosting diversity.
- We strive, as an employer, to provide reasonable adjustments in co-operation with and at the initiative of any staff member who informs us of their specific needs.
- We are committed to adopting a proactive approach in health and safety management to continuously improve working conditions and the health and well-being of our staff.
- We respect the principle of medical confidentiality.

## Objectives

This policy aims to:

- Create a work environment that is open, inclusive and accessible to people with disabilities.
- Ensure equality of opportunity and treatment in the workplace for people with disabilities.
- Harness the full potential of our existing and future workforce.
- Empower people with disabilities to contribute to the EPO's success.
- Facilitate a swifter and smoother return to work for people with disabilities.
- Prevent all types of discrimination and harassment in the workplace on the basis of disability.
- Respect the fundamental international rights of people with disabilities in the workplace

## Key terms

**Disability inclusion** refers to the meaningful participation of people with disabilities in all their diversity, the promotion and mainstreaming of their rights into the Organisation's work and the consideration of disability-related perspectives, in compliance with the UN Convention on the Rights of Persons with Disabilities.

**People with disabilities:** people who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.<sup>1</sup>

**Reasonable adjustments:** necessary and appropriate modifications and adjustments, which do not impose a disproportionate or undue burden and ensure that people with disabilities can perform the essential functions of a specific job and have equal access to, and can fully participate in, working life at the EPO.

**Reasonableness criteria** are the criteria used to assess the reasonableness of adjustments.

<sup>1</sup> This definition is taken from the UN Convention on the Rights of Persons with Disabilities (CRPD), Article 1.

They include the:

- Cost of any adjustment
- Resources available
- Operational needs
- Potential benefits of specific adjustments to persons other than the requester
- EPO's obligation to protect the health and safety of the requester and any other person who may be affected
- rights and freedoms of others.

**Essential functions of the job:** The essential functions of a job are the fundamental duties or requirements associated with that job. Essential functions cannot be eliminated or substantially modified without changing the nature of the job.

**Substantive equality:** In contrast to the principle of formal equality, which means that people in similar or identical circumstances are treated in the same way, the principle of substantive equality is based on the perception that treating all people in the same way is not sufficient to achieve genuine equality. Substantive equality entails tackling disadvantage, under-representation and marginalisation within the labour force by adopting positive measures.

**Contact person:** This is an individual appointed by the management at an EPO site to provide individual support to people with disabilities, enable them to do their job without hindrance and ensure that they receive assistance in the event of an emergency (a personal emergency evacuation plan (PEEP) is to be drawn up if needed).

## Scope

This policy applies to all EPO staff and all people on EPO premises, including visitors and contractors where applicable.

Reasonable adjustment measures may mitigate or remove barriers from a disability that may have existed prior to the employee joining the EPO or may arise during their term of employment.

Disability can take various forms and can have a major impact on an employee's working life. Some forms of impairment may be invisible or temporary. As a result, reasonable adjustment measures can vary from acquiring basic, additional equipment to making complex arrangements involving several EPO departments.

At an employee's request, the EPO will strive to provide reasonable adjustments via discussions with staff, medical practitioners and/or HR advisers, in accordance with the reasonable adjustment process and under the following circumstances:

- If an employee needs adjustment measures to enable them to perform their job.
- If employee needs adjustment measures to gain equal access to any employment benefits, use the EPO's facilities or equipment or participate in any given EPO activity.

## Confidentiality

Any information provided for the purposes of the reasonable adjustment process should be used solely for the purpose of supporting people with disabilities in the workplace and should remain confidential.

If this information relates to medical data in particular, access should be strictly limited to medical professionals and their administrative assistants, who are bound by medical confidentiality.

The requester should be informed that their request is confidential at the start of the process.

## Reports and reviews

An annual report will be published featuring key data on measures implemented to support and promote the inclusion of people with disabilities. The data and insights gathered in these reports will inform future policy reviews. COHSEC will review the policy every two years, or earlier if deemed necessary.



