

Accessibility, Reasonable Accommodation and Arbitration in Austria

**How can we help against discrimination
on the ground of disability?**

Austrian Disability Ombudsman

**Equinet Seminar on Accessibility and Reasonable Accommodation
4th – 5th of April, 2016: Vienna**



Austrian Disability Ombudsman

Erwin Buchinger



- Born 1955, Dr. iuris, Linz (1981)
- Administration officer for public labour market service (AMS), 1981 – 1991
- Managing Director AMS, 1992 - 2003
- Regional Minister for Social Affairs, 2004 - 2006
- Federal Minister for Social Affairs, 2007/2008
- Disability Ombudsman, since 2010, now second period until end of 2017



Austrian Disability Ombudsman

Duties, instruments, workload I

- Support for persons who feel discriminated against on the ground of disability
- Approx. 1.400 client inquiries per year
- Important instruments: Intervention and conciliation proceedings/arbitration
- Makes Research, Reports and Recommendations
- Annual progress report to Minister and Disability Council
- Support through a staff of 6
- The Disability Ombudsman is independent and not subject to any directives in his activities



Austrian Disability Ombudsman

Duties, instruments, workload II

- Support to raise allegations on the ground of disability
the complaints mostly refer to:
 - + the right to work and education
 - + social security
 - + the accessibility of goods, transport and information
- Support to claim compensation
- Support to identify appropriate remedies
- Legal representation in a separate process of arbitration (Right for class action only in a small field - insurances)
- Proposing amendments to the legislation (in occasion and in the yearly report to the minister)
- Public relations in the field of Anti-Discrimination



The legal framework in Austria

- Since 1960 – politics for persons with disabilities (PWD) becomes a field of its own right;
- 1992: first governmental strategic program for PwD: new focus: Normalisation, Integration, Mainstreaming
- 1997: Anti-Discrimination and equal treatment of PwD becomes part of the Austrian Constitution
- 2006: Equal treatment law (**for all spheres of living, not only labour market and government**) comes into force;
- 2006: Disability Ombudsman
- 2008: Ratification of UNCRPD in Austria (here: not self executing)
- 2012: National Action Plan for Inclusion

