

SUMMARY

ECJ 10 February 2022, case C-485/20 (HR Rail), Disability Discrimination

Employee – v – HR Rail SA, Belgian case

Summary

A disabled worker who is incapable of performing the essential duties of the post shall be reassigned to another suitable post, even if s/he is still in the probationary period, provided that the reassignment does not impose a disproportionate burden on the employer. The ECJ's summary is available on: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-02/cp220026en.pdf>.

Question

Must Article 5 of Directive 2000/78 be interpreted as meaning that the concept of 'reasonable accommodation' for disabled persons, within the meaning of that article requires that a worker, including someone undertaking a traineeship following his or her recruitment, who, owing to his or her disability, has been declared incapable of performing the essential functions of the post that he or she occupies, be assigned to another position for which he or she has the necessary competence, capability and availability?

Ruling

Article 5 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as meaning that the concept of 'reasonable accommodation' for disabled persons, within the meaning of that article requires that a worker, including someone undertaking a traineeship following his or her recruitment, who, owing to his or her disability, has been declared incapable of performing the essential functions of the post that he or she occupies, be assigned to another position for which he or she has the necessary competence, capability and availability, unless that measure imposes a disproportionate burden on the employer.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-02-10

Case number: C-485/20