

*“In a globally degraded employment context, the situation of persons with disabilities turns out to be particularly concerning: unemployment rate more than twice as high as among the general population, longer unemployment period, lower return to employment rate,...*

*Besides, while benefitting from the requirement for companies in France to employ persons with disabilities (with a quota of 6%), many persons with disabilities feel discriminated against in their access to employment, to promotion, to training salaries etc... ... on the unique ground of their disability.*

*In 2017, disability was the first ground of discrimination in the complaints received by the Défenseur des droits (representing 22% of complaints) with regard to discrimination. Employment is the first area in which these discriminations are occurring: 37% of claims related to disability revolve around employment (16% are related to employment in the private field; 21% are related to employment in the public field).*

*In most of these situations, the Défenseur des droits notes the failure of employers to comply with their obligation to implement reasonable accommodation for persons with disabilities, provided under the Directive 2000/78/CE from 27 November 2000 and the International Convention for Rights of the Rights of Persons with Disabilities.*

*Transposed in French legislation since 2005, the obligation of reasonable accommodation is widely unknown from employers and more generally from the different stakeholders in the professional inclusion of persons with disabilities, and therefore not implemented. Yet, the refusal of the employer to take such accommodation can account for a discrimination.*

*The Défenseur des Droits has largely contributed to specifying the outlines of this obligation, notably by presenting observations before jurisdictions in cases in which he is seized.*

*In 2017, finding that there was no reference framework for the implementation of the reasonable accommodation obligation, and drawing on its extensive experience in this field, the Défenseur des droits has decided to issue a guide, titled “Emploi des personnes en situation de handicap et aménagement raisonnable” (“Employment of persons with disabilities and reasonable accommodation”).*

*The objective of this guide is to spell out the content of the obligation of reasonable accommodation, its constraints and its limits and consequences that can result from a failure to implement it. Illustrated by many examples in the jurisprudence and in situations handled by the Défenseur des droits, it is today a reference tool for stakeholders involved in the employment of persons with disabilities and in the defense of rights of persons with disabilities (charities, lawyers, judges, legal experts...).*”



**Fabienne Jegu** | Conseillère - Expertise handicap  
Secrétariat général  
Tél. : 01 53 29 61 27 | [fabienne.jegu@defenseurdesdroits.fr](mailto:fabienne.jegu@defenseurdesdroits.fr)

**Défenseur des droits** | TSA 90716 - 75334 PARIS CEDEX 07  
[defenseurdesdroits.fr](http://defenseurdesdroits.fr) | [@Defenseurdroits](https://twitter.com/Defenseurdroits) | [fb.com/DefenseurdesDroits](https://facebook.com/DefenseurdesDroits)

Ce courriel et ses pièces-jointes éventuelles sont confidentiels.  
Pensez à l'environnement avant d'imprimer cet e-mail.