



Inadequate accessibility is discrimination

In an accessible society, everyone is able to participate on equal terms, regardless of their functional ability. Discrimination in the form of inadequate accessibility is prohibited under the Discrimination Act, and the purpose of this regulation is to contribute to the realization of an accessible society.

What is stated in the law?

Under the Discrimination Act, inadequate accessibility means that a person who has a disability is disadvantaged by an establishment's – for example workplace, school or business – failure to take reasonable accessibility measures in order to put the person in a comparable situation to someone who does not have the disability in question.

Simply put, being disadvantaged means being treated unfairly, being deprived of something or being placed in a worse position.

What is an accessibility measure?

Accessibility measures could include: offering necessary assistance or aids to enable someone with a disability to perform work tasks or participate in school classes, to level out doorsteps in to and inside premises, or that restaurant staff read a menu out loud.

This means that a person who has a disability will be able to participate in the activity in question, even if they are unable to do so in exactly the same way as someone without the disability.

To whom does the provision apply?

A person who has a disability is entitled to reasonable accessibility measures in certain situations – for example at work, at school, when seeking health or medical care and in shops and restaurants.

The law requires that those who are responsible for such an establishment – an employer, the entity responsible for the operation of a school or a shopkeeper, for instance – take reasonable measures to make their activities or business accessible to a person who has a disability.

Which areas are covered by the law?

The prohibition of discrimination in the form of inadequate accessibility applies to all areas of society currently covered by the Discrimination Act, with the exception of the rental or sale of residential property. For example, the prohibition applies to

- working life
- education
- health and medical care (including private health care providers)
- the provision of social services
- individual contact with and assistance provided by a public employee
- the provision of goods and services.

“Measures should be reasonable” – What does this mean?

Anyone responsible for an establishment which the law applies to, must take reasonable accessibility measures to ensure that a person with a disability is put in a comparable situation to someone who does not have the disability in question. So, what are reasonable measures? There is no general answer to this question: the answer depends on the circumstances in each individual case.

The basis of the assessment of what constitutes a reasonable accessibility measure is accessibility requirements set out in legislation and regulations such as the Work Environment Act, the Education Act and the Planning and Building Act. If no such requirements exist, only simpler accessibility measures are required. Examples of such simpler accessibility measures are moving certain products in a shop or escorting a passenger on public transportation.

When assessing what is reasonable, it is also important to consider factors such as the practical and financial situation of the establishment in question. How long-term and extensive a relationship is between the individual and the establishment is also taken into account. For example, an individual may be entitled to more extensive accessibility measures from their employer or school, as opposed to an establishment with which they have only a brief contact.

“From floor to ceiling”

The obligation to comply with the law and not commit a discriminatory act in the form of inadequate accessibility is a minimum requirement, which could be referred to as the “floor”. Additional actions are needed to reach the “ceiling”, or to make an establishment fully accessible to people with disabilities. Working to promote an accessible society means working to promote inclusion, sustainability and human rights. One way of doing this is to try to include accessibility in the initial design of an establishment or business, making it accessible to as many people as possible from the start.

Find out more about inadequate accessibility on the Equality Ombudsman’s website: www.do.se/other-languages/english-engelska.

The Equality Ombudsman (DO)
www.do.se
Box 4057, SE-169 04 Solna, Sweden
Tel: +46 (0)8 120 20 700
[facebook.com/](https://facebook.com/Diskrimineringsombudsmannen)
Diskrimineringsombudsmannen
twitter.com/DO_Sverige

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