



Union  
Syndicale  
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**Consilium**

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## Good news on support for people with disabilities

The rules on the recognition of [serious illness](#) have been amended, with a significant improvement in the reimbursement of [non-medical costs](#) linked to a disability. These measures, which have already taken effect, have not yet been published in the Council.

### What exactly does this mean?

- There is no real change as regards [serious illness](#). Favourable case-law from the past few years has simply been transposed into the text of the JSIS's *General Implementing Provisions* (hereinafter GIP) which had become obsolete. The settlement offices were already obliged to apply the above case-law, which was brought about, in particular, as a result of legal appeals supported by **Union Syndicale**. One example: a person who is blind no longer needs to be at risk of dying to be considered seriously ill.
- There is, however, a significant improvement in the rights of those colleagues with a disability, or whose spouse or dependent child is a person with a disability.

The employer now pays 80 %, or even in some cases 100 %, of the non-medical costs related to a disability. There was no entitlement to reimbursement of such costs in the past.

### How were these improvements obtained?

The European Union has ratified the [United Nations Convention on the Rights of Persons with Disabilities](#). After receiving a complaint from associations representing people with disabilities, the European Ombudsman asked the European Commission to amend our health insurance scheme's

rules to bring the definition of 'serious illness' into line with that of the Convention.

During the negotiations on the amendment of the GIP, the Commission, and subsequently the Board of Heads of Administration, decided to take the above measures. They were under pressure particularly from:

- associations representing people with disabilities,
- the Council's staff representative on the Sickness Insurance Management Committee, including B. Loescher (**Union Syndicale**)
- **Union Syndicale** in the negotiations on the amendment of the GIP

### **This is good – but far from perfect**

It is genuine social progress which **Union Syndicale** welcomes. However, we remain dissatisfied on some key points:

#### **Serious illness**

In order to comply with the United Nations Convention, an attempt has been made to shoehorn the notion of disability into the definition of serious illness. A disability can, of course, be linked to a serious illness, but it is not an illness in its own right. A person who is deaf, for example, is not necessarily ill.

This explains the linguistic and legal convolutions in the GIP.

**Union Syndicale** believes that 100 % of all costs for essential treatment should be reimbursed. Under the current rules, neither COVID-19 nor malaria qualifies as a 'serious illness', and this is unacceptable.

Fortunately, we have secured the Administration's agreement to undertake a fundamental reassessment of the concept of 'serious illness' in the near future.

#### **Disability**

The reimbursement procedure relating to non-medical expenses does not provide for any involvement of staff representatives. Yet since the Second World War, the joint supervision of social security questions by employers and workers has been standard practice in Europe.

Here, reimbursement requests are not processed by a joint committee. In the event of a dispute, there is no form of staff representation, which is not the case for claims relating to medical expenses.

**Union Syndicale** does not believe this to be a progressive way in which to manage the civil service and, in particular, social security questions.

The Executive Committee

*The Union Syndicale Team, at your service*

Bernd



Frances



Michael



Mohamed



William



Félix



Gunther



Tariq



*If you think that we do a useful job, [join us](#), we are stronger together !*