



Discrimination and Insurance: issues & answers

Emilie Van Laer – legal officer - Unia

5th BrREACHSYMPOSIUM
November 25th, 2016



Unia:

Missions

- Created by law
- Interfederal independent public institution
- Promotion of equal opportunities and fight against discrimination
- UN Convention on the Rights of Persons with disabilities: independent mechanism responsible for the promotion, protection and monitoring of its application in Belgium

- 1. Legal framework**
- 2. Cases received by Unia**
- 3. Case analysis: how?**
- 4. Unia's role**
- 5. Law in action**
- 6. Looking forward**

1. Belgian antidiscrimination law



Transposal of European Directives

2000/43
Racial Equality

Employment
Goods & services

Racial or ethnic
origin

2000/78
Equal Treatment
Framework

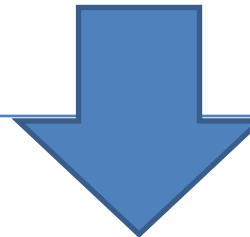
Employment

Disability (+
religion, age, sexual
orientation)

???

Goods & services

Disability (+
religion, age, sexual
orientation)



Covered by the Belgian antidiscrimination law

1. Belgian antidiscrimination law



Protection offered:

✓ Prohibition of direct and indirect discrimination

Direct discrimination:

direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on a ground protected by the law/directive.

✓ Protected grounds: **i.a. disability and (current and future) health condition**

✓ **No discrimination** when the difference in treatment can be justified

- Legitimate aim
- Proportionate and necessary measures

2. Cases received by Unia



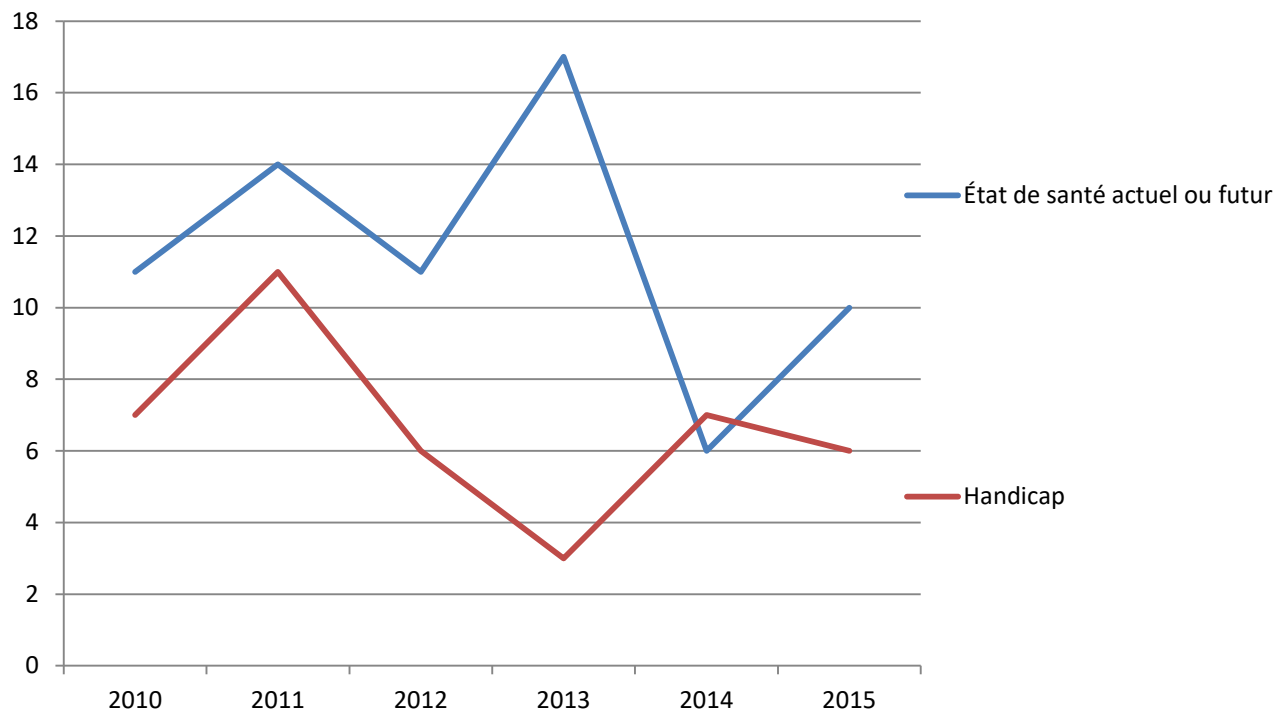
Insurances:

- ✓ Mortgage life insurance
- ✓ Income protection insurance
- ✓ Health insurance

Employment:

- ✓ Reasonable accommodation
- ✓ End of contract

2. Cases received by Unia



3. Case analysis

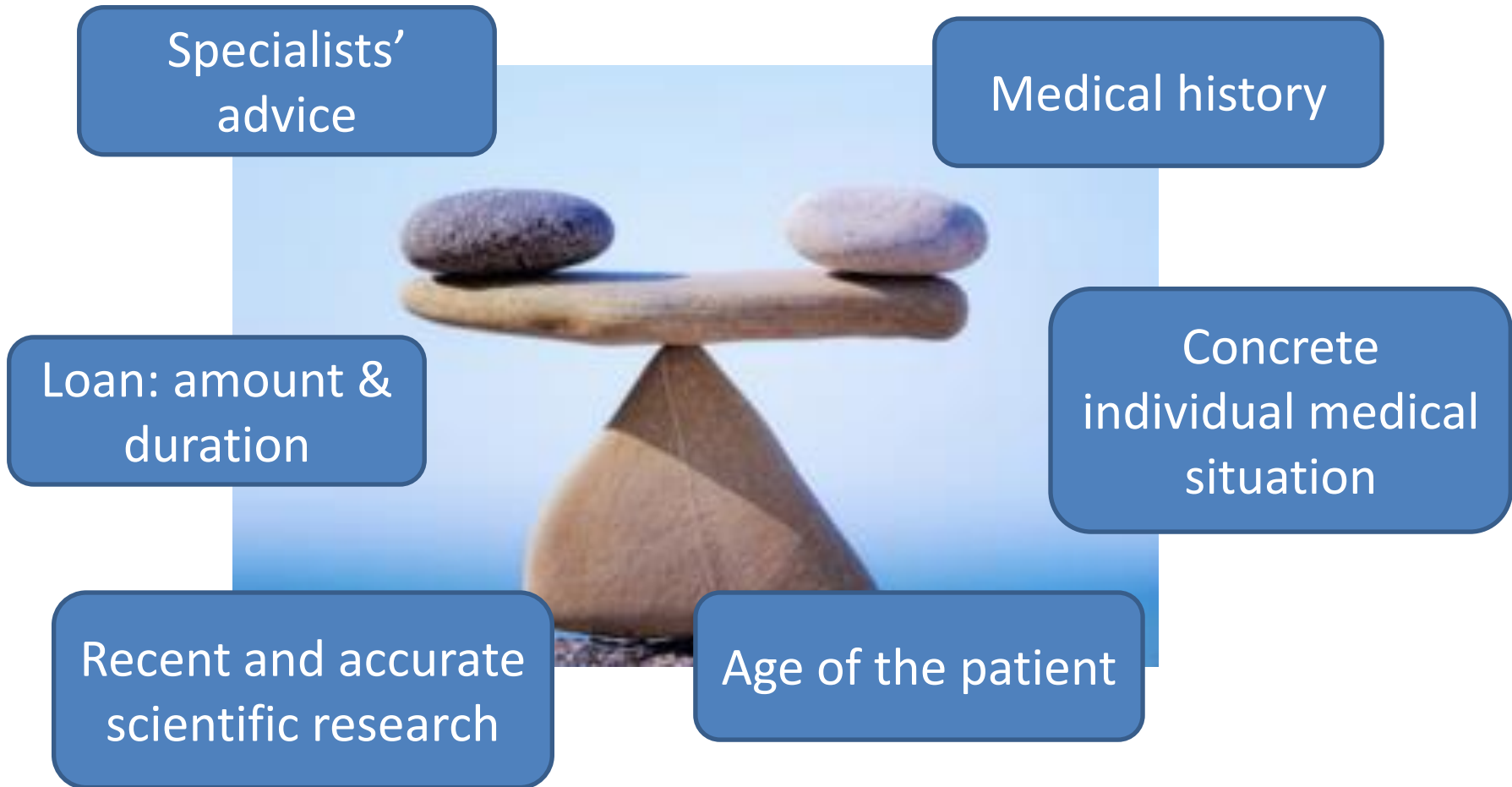
Segmentation



Or individualisation?



4. Unia's position



4. Unia's role

- ✓ Provide information
- ✓ Empowerment
- ✓ Contact with the insurance company
- ✓ Contact with specialists
- ✓ Negotiation
- ✓ (Law suit)

5. Law in action

- ✓ **Health insurance:** no refusal allowed for persons with a chronic disease or a disability, if younger than 65 .
- ✓ **Mortgage life insurance**
 - Extended obligation for insurance companies to motivate their decision
 - « Second chance » commission (« Bureau de suivi de la tarification solde restant dû »)
 - Financial solidarity mechanism

6. Looking forward

- ✓ Improve the work of the « second chance commission »
- ✓ Collaboration with civil society and experts
- ✓ Solidarity instead of segmentation

THANK YOU FOR YOUR ATTENTION !



Interfederaal Gelijkekansencentrum

Centre interfédéral pour l'égalité des chances

Interföderales Zentrum für Chancengleichheit