

Update on EPSO Policy for female candidates requesting reasonable accommodation(s) in staff selection procedures related to pregnancy and childbirth

Policy Objective

EPSO is committed to the values of non-discrimination and equal opportunities for all candidates. Therefore, this policy aims to ensure that female candidates can participate in staff selection procedures organised by EPSO, on behalf of the EU Institutions, on an equal basis with other candidates, and that they are not disadvantaged due to pregnancy and childbirth.

Legal Background

EPSO is bound by the relevant provisions of EU law governing issues of non-discrimination and equal opportunities.

The main legal reference is [Directive 2006/54/EC of 5 July 2006](#) on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. This directive prohibits direct and indirect discrimination on the grounds of gender in the area of access to employment.

Case law requires EU institutions and the General Court, acting in its judicial role, to take Directive 2006/54/EC into consideration when deciding on issues concerning access to employment within the EU civil service.

Article 2(2)(c) of Directive 2006/54/EC provides that discrimination includes *"any less favourable treatment of a woman related to pregnancy or maternity leave within the meaning of Directive 92/85/EEC¹".*

Article 14(1)(a) of Directive 2006/54/EC furthermore provides that discrimination is prohibited in relation to *"conditions for access to employment [...], including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy [...]"*.

In the context of staff selection procedures currently in place, candidates participate in tests within a specific timeframe or on specific dates, which are determined by EPSO.

Pregnant candidates may be unable to adhere to these timings, for reasons related to their pregnancy or childbirth. In such cases, they may ask for reasonable accommodations, which EPSO may provide, in compliance with its duty of equal opportunities and non-discrimination.

This policy therefore defines the nature and application of such accommodation measures.

Policy Statement

EPSO shall provide reasonable accommodation(s) to candidates who are unable to participate in tests on particular dates or during particular periods due to reasons related to pregnancy and childbirth. In addition, EPSO may also provide reasonable accommodation(s) to breastfeeding mothers participating in selection tests. Such reasonable accommodation(s) will be provided to

¹ Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements on the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

candidates who inform EPSO about their condition, according to the terms and within the limits set out below.

Scope of Application

This policy shall apply:

- to pregnant candidates or candidates who have recently given birth, and who inform EPSO about their condition in order to claim the reasonable accommodation(s) available to them under these provisions
- in all staff selection procedures organised by EPSO and at all selection stages.

Candidates should inform EPSO about their pregnancy, and the estimated or actual delivery date and place at the application stage, if appropriate or, as soon as possible before the specific EPSO test is due to be taken. Delays in communicating this information to EPSO may compromise EPSO's ability to provide accommodation(s) under the best possible conditions. Candidates may not hold EPSO liable for not providing accommodation(s) should they fail to request it in a timely manner.

Implementation

A candidate may request accommodation(s) under this policy if she is unable to participate in a test on the date allocated and/or confirmed to her by EPSO because:

- the testing date in question falls within one month before or after the candidate's due date² and the candidate is unable to adhere to this timing,
- the candidate has to breastfeed the new-born during the test.

In addition, candidates who are breastfeeding at the time of the EPSO selection testing dates may request reasonable accommodation(s) to breastfeed during the testing period.

All reasonable accommodation requests must be duly substantiated by a medical certificate.

Accommodation(s) to candidates testing remotely may consist of:

- rescheduling the testing appointment to a date which corresponds to one month following the delivery of the new-born child;
- allowing the candidate to breastfeed during the tests by granting an additional break or having the planned break extended, depending on the length of the test.

Measures of accommodation shall not go beyond what is reasonable; in other words, they should not impose a disproportionate burden on EPSO in terms of cost, time, or effort. In particular, they may not be such as to compromise the interest that the EU institutions and the other candidates have in the timely progress and finalisation of the selection procedure.

The extent of reasonable accommodation(s) shall be determined by EPSO on a case-by- case basis, in a discretionary manner. It shall consider the specific operational constraints of the different stages in the selection procedure.

In particular:

- For tests administered remotely and proctored by EPSO's external contractor (computer-based multiple-choice tests, case study, translation tests, or any other test), EPSO may offer

² As defined in Article 8(2) of Directive 92/85/EEC

alternative testing dates. The rescheduled test can be at a later or at an earlier stage than the initial appointment chosen by the candidate, if any.

Should the request to re-schedule concern the last selection stage, alternative dates may be offered up to two months following the end of the originally scheduled testing period. In such cases, the selection may be closed, and the list of successful candidates drawn up prior to the deferred testing of the candidate requesting the accommodation(s). Should the candidate requesting the accommodation(s) succeed in the deferred test and obtain a final score that is equivalent or higher to that of the last successful candidate included in the established list, she shall be added to that list.

However, should a candidate not accept the accommodation measures offered by EPSO under the current policy, or is unable to attend the tests at the different date offered due to a hindrance related to the same or another pregnancy or maternity, she shall not be entitled to any further accommodation measures on those grounds, and her participation in the competition shall come to an end.

Within the limits set down by this policy, EPSO will make all efforts to offer the most appropriate reasonable accommodation(s) to match the particular circumstances of the requesting candidate. EPSO may update this policy at any time taking account new developments in its test delivery model and in the applicable regulatory framework.

Effective Date

This updated policy becomes effective as of 1st August 2023

This policy is without prejudice to EPSO's policy on accommodating candidates with a disability or a medical condition that requires special adjustments for taking the tests. Discover more about our equal opportunities policy and procedure to request special adjustments on our [website page on equal opportunities](#), in the General Rules attached to each Notice of Competition and integrated in the call for expression of interest for contract staff.

For further information, please contact EPSO-accessibility@ec.europa.eu