



Scott Pleva

12th December 2011

Dear Scott,

EUROTEST – AGE DISCRIMINATION QUERY

Thank you for your letter inquiring about the Eurotest forming a part of the BASI level 4 ISTD qualification and the implications this may have from an age discrimination perspective.

In your letter you state that the use of the test is discriminatory against older skiers. However, it is our opinion that BASI will not contravene the current age discrimination legislation with the use of the Eurotest in the ISTD qualification. We do not agree that physical performance necessarily decreases with age. Many middle aged skiers have passed the test showing that, with training and commitment, the test does not set unreasonably high standards. Our own statistics show that there is no correlation between age and the pass rate and 19% of people passing the Test have been over 30.

If the Eurotest was shown to be discriminatory we believe that BASI would still be able to justify offering it to UK skiers on a number of grounds. Age discrimination legislation allows potentially discriminatory treatment to be justified if certain factors can be shown. The discriminatory act (for example, having a fitness test to gain a qualification) will not contravene the law where it can be shown that the treatment of the disadvantaged candidate was a proportionate means of achieving a legitimate aim.

In the case of using the Eurotest as one of the elements for gaining the BASI level 4 ISTD qualifications we would point to two factors which justify its inclusion.

Firstly, there is a strong business need for BASI in including the Eurotest in its level 4 qualification. The current test is not set by BASI but is an internationally recognised standard which BASI has adopted/certified as being fit to use. The Eurotest marks the current internationally recognised standard in Austria, France, Germany, Italy and the UK. To reject the Eurotest would prevent UK skiers from gaining the qualification which would allow them to be recognised as having the high technical skills needed to teach in one of Europe's largest mountain ranges for resorts. This runs counter to BASI's purpose of providing UK skiers with credibility and employability around the world. If other organisations in the four other Eurotest countries promote the test their instructors may be chosen over UK candidates. If UK candidates wish to work in one of these countries BASI should offer the same (or equivalent) qualifications as these countries and at the moment this means offering the Eurotest.

Secondly, having a strict standard for instructors promotes the health and safety of clients who choose to take skiing or snowboarding lessons. The Eurotest's standards ensure that the highest level has been reached by candidates who succeed and meet client expectations that their instructors have gained the highest qualification in the countries where the Eurotest is recognised. To have a very high standard, which is not age capped, points to instructors having the highest technical knowledge and ability.

We note that the Eurotest has come under some criticism from certain corners of the ski community and BASI are party to ongoing talks to develop a mutually recognised European wide qualification or 'professional card'. Until this changes or until a European professional card is introduced the Eurotest will remain a necessary element to be passed in gaining the BASI level 4 ISTD qualification. BASI are sympathetic to the challenge of this demanding part of the qualification, however, passing the Eurotest element is currently the only way to achieve the BASI level 4 ISTD qualifications.

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Based on this reasoning and that adhering to the Eurotest element of the level 4 ISTD, BASI do not consider that they will not fall foul of age discrimination legislation as they can point to the legitimate aims of health and safety compliance and the business need of using the test.

I would be happy to discuss the situation with you further if it would assist you and you may be interested to know that the representatives of the EU Member States are due to meet this month to agree a pilot proposal for a common platform across the EU for ski instructors which may include changes to the speed test element of that qualification. We will be making representation on behalf of our Members and reporting back on the key milestones of any development.

I hope that this letter and the conversations that you have had with Coral Riddell, our Legal Director, helps to clarify the position.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Roberts', with a long horizontal flourish extending to the right.

Gareth Roberts
Chairman