



The European Parliament and inclusion of persons living with disabilities

Main elements of the human resources policies in an inclusive workplace

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Abstract

Within a specific institutional context and through dedicated human resources structures, the European Parliament is developing the rights and principles highlighted in the UNCRPD, in the Charter of Fundamental Rights, in the Staff Regulations and in a set of internal high-level documents in a way to change the organisational culture and build an inclusive workplace. Parliament is not only willing to abide by international conventions and EU strategic documents, but furthermore wishes to play a leading role and propose new measures that are not yet included in the applicable regulations. The article explains the different policies in this area.

Keywords Disability · Human resources · Inclusion · European Parliament

1 Introduction

For years already, the European Parliament has attached great importance to reaching out to, recruiting and retaining employees living with a disability. To this end, it is actively searching for new ways to make itself more attractive for persons with disabilities through targeted outreach activities, awareness-raising events, improved access to employment (in terms of both reasonable accommodation measures and physical and digital accessibility), and through a set of positive action schemes at

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different levels of recruitment. Once a person with a disability has been recruited, job retention then becomes the key focus, with tailored policies being further developed to retain staff recruited under special schemes after the end of such schemes, and to provide reasonable accommodation and financial support throughout their career.

After an introduction aiming to clarify the institutional context (Sects. 1.1, 1.2 and 1.3), in this article I will aim to describe the legal background for the support offered to persons living with a disability (Sects. 2, 2.1 and 2.2) and subsequently outline the main activities, programmes and services for staff with a disability and their families (Sects. 3 and 3.1 to 3.3). Following an overview of further support measures in place (Sect. 4), I will sum up in the conclusions how Parliament contributes to changing workplace culture (Sect. 5).

1.1 The institution

Most citizens know Parliament as a legislative institution. However, it is important to remember that it is also a major employer. Parliament's Secretariat has more than 7000 staff members¹ and almost 500 trainees spread across three workplaces: Strasbourg, France; Brussels, Belgium; and Luxembourg. With staff from all Member States, Parliament is a uniquely multicultural and multilingual working environment.

As most of the staff work outside their home countries, they are considered expatriates and as such are in a specific position regarding medical and social assistance, as they fall under the institutions' supra-national regulations and not the host countries' national systems. These regulations cover entitlements and obligations regarding employment. As such, all matters related to social entitlements (family allowances, disability, pension or unemployment) are in no way dependent on the national system of the host country but on the institutions' regulations.

This also requires the institutions to have in place all the employment and labour regulations that a Member State would, to ensure that staff members are not disadvantaged by working for an EU institution. The rules of employment are governed by the 'Staff Regulations' of EU officials and other civil servants.²

As Parliament is a committed inclusive employer, it has subsequently established a detailed set of rules regulating recruitment, employment and support of employees living with disabilities and employees with close dependant family members living with a disability.

1.2 Special status of EP staff members

The EP staff members are in a unique position, as their employment is not regulated by the workplaces' legal systems, but by the institutions' Staff Regulations and related or implementing internal rules. Along with separate systems for medical and

¹Numbers vary constantly. In November 2022, there were 7.111 staff members employed in the Secretariat, 1.110 in political groups and 2.059 as accredited parliamentary assistants.

²Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, as amended (OJ P 045, 14.6.1962, p. 1385).

social assistance,³ staff members of the institutions also do not pay into the national tax systems but instead into that of the institutions. In short, the institutions have their own social security system providing social entitlements, health insurance, pensions and other allowances and benefits to the staff members. The institutions also have their own regulations regarding unemployment benefits, financial support to persons with disabilities and invalidity of staff.

1.3 Relevant HR structures

The Equality, Inclusion and Diversity Unit (EIDU), within the Directorate for HR Support and Social Services of the Directorate-General for Personnel (DG PERS), is Parliament's single Diversity and Inclusion hub for the Secretariat. The unit therefore plays a leading role for all staff members, acting horizontally not only through DG PERS but equally throughout all (14) Directorates-General of the institution and in cooperation with the D&I advisors and offices of all other EU institutions, including agencies – of which EPSO is one.

The unit addresses the equality, diversity and inclusion policies as defined by Parliament's Bureau, notably, the implementation of the Roadmaps for the promotion of gender equality and diversity in the Parliament's Secretariat, by ensuring that human resources policies reflect those principles.⁴

It draws up reports and prepares surveys on all diversity policy areas; collects and analyses statistics on gender representation; acts to prevent and eliminate all forms of discrimination, including through dedicated contact points and specific inter-service committees; and organises presentations and information sessions for all relevant staff (namely those in front-line positions), besides yearly awareness-raising events on key international days.

An important aspect of its work is the promotion of employment of persons with disabilities in the EU institutions, which is fostered through specific programmes and permanent measures to ensure their full participation and inclusion.

2 Legal background for support of persons living with a disability

As with the other entitlements, Parliament has its own schemes in order to support staff and their close dependant family members living with a disability. Before examining these specific HR policies, I will now outline their legal basis (Sect. 2.1) and the main elements of DG PERS policies (Sect. 2.2).

2.1 Legal basis of HR policies in this area

The policies put in place by Parliament in order to provide services and guarantee certain rights to persons with disabilities have supra-national legal basis.⁵

³The institutions have their own Joint Sickness Insurance Scheme (JSIS), which works similarly to any national social insurance scheme.

⁴*Cfr. infra*, Sect. 2.2.1.

⁵When we tackle the legal basis, we do not refer specifically to the definition of disability or disabled person: what is interesting to Parliament is first and foremost the legal basis for its targeted action to pro-

The first key legal basis is the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).⁶ This is the first international and legally binding instrument setting minimum standards for the rights of people living with disabilities. It is also the first international human rights convention to which the EU has become a party. For the EU, the convention entered into force on 22 January 2011. Since then, the European Commission has coordinated the implementation of the convention at EU level and has established a focal point to this end. As the EU is required to have a basis via which to promote, defend and implement the UNCRPD in the areas falling under its competence, it has adopted an EU framework for the implementation of the convention, which became operational in 2013. Parliament is one of the four members of the framework, together with the European Ombudsman, the EU Agency for Fundamental Rights and the European Disability Forum.

A second key legal basis in this area is the Charter of Fundamental Rights of the European Union ('the Charter'),⁷ Articles 20 to 26 of which are about equality and non-discrimination. Namely, Article 21 forbids discrimination based on any ground, among which disability is explicitly mentioned, while Article 26 encourages measures aiming at the independence, social and occupational integration and participation of people with disabilities in the life of the community.

Coming now to the general employment rules, as mentioned above, Parliament (like all EU institutions) regulates all employment statuses via the 'Staff Regulations'.⁸ This includes Article 1d, reiterating the prohibition of discrimination already laid down in the Charter⁹ and setting a definition of disability and of 'reasonable accommodation'.¹⁰ We will come back to this in a moment.¹¹

Turning now to texts that are not formally legal basis but could nonetheless be considered as strategic reference documents, at EU level we have the Commission's 'Strategy for the rights of persons with disabilities' entitled 'Union of Equality'¹² and covering the years 2021 to 2030. This document does not set out rules or guidelines for Parliament's HR policy, however.¹³

The key strategic documents for Parliament's HR policy are the guidelines established by its Bureau, as they have the utmost relevance to the work of the Secretariat and refer specifically to the internal life of the institution. The Bureau is Parliament's highest political body, composed of the President, the 14 Vice-Presidents and the five

mote effective HR policies in this area, the recognition of the disability status being a mere administrative pre-condition for few specific services and programmes. *Cfr. infra*, Sects. 3.1.

⁶UN Convention for the Rights of Persons with Disabilities of 13.12.2006 (A/RES/61/106).

⁷Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391).

⁸*Cfr. supra*, note 3.

⁹Art. 1d, para. 1.

¹⁰*Ibidem*, para. 4.

¹¹*Cfr. infra*, Sect. 3.3.2.

¹²Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 3.3.2021, entitled 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030' (COM(2021)0101).

¹³It only sets the basis for the adoption of relevant HR policies for the Commission, through a further communication adopted by the institution.

Quaestors of the institution. Organised in working groups (such as the High-Level Group on Gender Equality and Diversity), it adopts relevant decisions regulating the employment policies for persons from different diversity groups, including persons living with a disability. The action plans, roadmaps and reports drafted and adopted by the Bureau guide the HR policies of the institution and are implemented by its Secretariat, namely DG PERS. Despite the fact that these documents are not *stricto sensu* legally binding, and therefore not a proper legal basis, the Secretariat is obliged to implement them fully, under the political authority and oversight of the Bureau: they could therefore be considered as a sort of soft law for the institution only. Although they are the last source quoted here, they are nonetheless the most important and effective references for Parliament's HR.

2.2 Main elements of DG PERS policies

As we have just seen, Parliament's Bureau drafts a number of guidelines to the attention of its staff. Its strongest tools – in terms of both authority and impact – are without doubt the roadmaps. In our area of interest, the relevant document is the Diversity Roadmap,¹⁴ establishing a set of guidelines whose implementation has to be coordinated by DG PERS.

2.2.1 Diversity Roadmap: the key reference document

Unanimously adopted by the Bureau at the end of 2021, this roadmap covers the years 2022-2023. It is a collection of 79 measures related to employment and human resources policies regarding several diversity groups of employees, focusing mainly on the areas of anti-racism, sexual orientation and gender identity, and disability. It also includes crosscutting measures and has an overall intersectional approach.¹⁵

More than half of the measures (42 out of 79) relate to the employment of persons living with disabilities, in order to ensure support for staff and family members, improve recruitment and job retention, and more generally guarantee compliance with the UNCRPD. In this respect, and in order to highlight the strong link between the roadmap and the UNCRPD, the grouping and structure of the roadmap's headings reflects the convention, covering the same fields and aspects of the lives of persons with disabilities (where applicable, given the context).

The roadmap frames and regulates all the activities in this area undertaken by Parliament's Secretariat, which we will tackle in the following paragraphs.

¹⁴'Report to the Bureau on Diversity in the European Parliament's Secretariat. State of play and Roadmap 2022-2024', adopted unanimously by Parliament's Bureau in November 2021 and published only on Parliament's intranet.

¹⁵The European Disability Strategy also takes this approach.

3 Main activities, programmes and services for staff with a disability and their families

Following the instructions received by the political level of the institution, EIDU organises and manages a whole series of activities, programmes and services to the benefit of the staff and of the whole workplace environment.

3.1 Awareness-raising events and activities

One of EIDU's most important tasks is organising annual awareness-raising events. These events have a twofold aim: to raise awareness of certain matters, challenges or achievements among all staff members (whether they belong to a diversity group or not), and to offer a forum to all staff in order to discuss and possibly recommend new solutions and targets in the area at stake. In addition to staff members, each event features one or two key external guests and two Members of the European Parliament, based on their political commitment and portfolio while also representing a plurality of political views.

Parliament has mandated EIDU in its roadmaps to organise these events, which are often held on international days related to the diversity groups, which of course include persons with disabilities. It therefore celebrates the International Day of Persons with Disabilities and also prepares awareness-raising events, podcasts or workshops on more specific topics as required (just to give an example, a seminar was organised in 2021 for International Autism Day in order to give support to staff members involved).

Exchanging best practices with national parliaments' administrations is also very important to Parliament. EIDU organises an online conference every year in this regard, usually in June. Topics range from gender equality to specific diversity groups, such as disability, while always focusing on an intersectional approach.

In addition to these events, EIDU regularly organises a set of presentations and information sessions for staff working at different levels, mostly for front-line staff in the various Directorates-General. These aim to offer an inclusive welcome and appropriate support to all staff and visitors of the institution. Certain tailored workshops and seminars are also dedicated to managers, in order to offer guidance on how to improve the diversity of their units/directorates, foster the inclusion of staff living with disabilities and tap into the talents of each and every employee. Last but not least, the unit also offers preparatory meetings and specific coaching sessions to supervisors of trainees living with a disability, in order for both parties to have a better experience.

3.2 Boosting accessibility as a tool for equity: from physical to digital

Parliament pays particular attention to improving the accessibility of the working environment, historically starting from physical accessibility of its buildings. This is a highly challenging task, as the built environment of the institutions needs to abide by the different national laws of the three workplaces: it therefore has to comply with Belgian, French or Luxembourgish laws and regulations respectively. Additionally, not all buildings are recent: they may need adjustments.

Parliament has therefore carried out an overall assessment of the physical accessibility of its buildings in recent years and its Directorate-General for Infrastructure and Logistics (INLO) is in charge of numerous projects aiming to gradually (but steadily) improve the situation in this field. These projects are mentioned in the Diversity Roadmap and also in the Strategic Execution Framework (SEF), which is an analytical model that was introduced in 2014 by the Secretary General with the aim of leading a deep strategic review within Parliament's Secretariat.

Alongside physical accessibility, another important and ever-changing topic is digital accessibility. Parliament has invested a lot of resources in improving the accessibility of its web presence, having as a mid-term target the full accessibility of all its web pages and electronic documents. This also implies investing in trainings for staff, and namely software managers and IT services.

The idea behind these improvements is to get Parliament to the point where it becomes second nature for every staff member to create only digitally accessible documents. As a result, this will be a great step in the inclusion of staff living with disabilities, especially those who use assistive technologies (such as screen-reader programmes), in addition to being, of course, a huge step forward towards the inclusion of all citizens when engaging with the institution's activities.

Since working on both physical and digital accessibility requires the participation of all Parliament's Directorates-General, a new working group of experts from all areas of the Secretariat has been set up: The Access and Inclusion Group (AIG), which coordinates the activities in these fields and provides a forum for exchanging best practice, offering guidance on relevant questions and drawing new topics to the attention of the relevant services.

3.3 Established programmes, committees and services

In addition to the above-mentioned standing policies, Parliament has devised a series of programmes and schemes and set up ad hoc committees in order to deliver a tailored and ever more satisfactory service to its staff with special needs. Ultimately, Parliament aims to adapt the working environment to these staff members in a way that fosters their inclusion.

All of these programmes have one unique precondition: disability recognition. As the different Member States have a wide variety of procedures, examination systems and frameworks in order to get a disability (and its grade) recognised, this would result in a variety of percentages and disability-related statuses that would hardly be comparable. Since staff members must all be entitled to the same rights, it was imperative to create a fair system where everyone is treated equally and receives equal support, regardless of the legal system in the Member State they come from. Parliament has therefore set up its own system to recognise the disability of the person and its grade, using its own medical professionals (as well as civil servants employed by the institution) to assess a disability and give an opinion on the disability status. The opinion is based on a medical visit and examination for staff, while a simple assessment of relevant documents is enough for close dependant family members (often children of staff members). The medical experts use the European physical

and mental disability rating scale¹⁶ and the Internal rules implementing Article 1d (4) of the Staff Regulations as legal references for the procedure.

3.3.1 The positive action programmes

In its efforts to improve the equity of opportunities in recruitment, Parliament organises two different positive action programmes for candidates living with disabilities: one for contract agents and another for trainees. Both have the aim of removing the specific obstacles faced by this group of candidates on the open workforce market, including during selection procedures.

The programme for contract agents has been organised annually since 2016 and is open only to candidates who have never been employed in the institutions before (traineeships are excluded from this condition). It has a dedicated budget allowing for up to seven staff members to be hired annually. The cost of the first year is covered by this specific budgetary envelope financed by DG PERS, in order to encourage other DGs to participate. If the first year is successful, the DG in question may then retain the contract agent, but in this case will have to pay their salary from the DG's own standard budgetary lines. Since the start of the programme, a majority of these contract agents have been subsequently retained, demonstrating the success of the scheme. The number of applicants is steadily growing every year (in 2022 we had a record 130 candidates), as is the size of the envelope reserved for the programme, showing the will of Parliament to boost its action in this area.

The specific programme for trainees living with disabilities aims to ensure equal opportunities for young talents. The programme is organised twice a year under the Schuman traineeship scheme and offers 15 extra places for trainees living with a disability on top of the regular scheme. In practice, and considering that candidates with a disability may apply (and sometimes be hired) under the standard scheme, this means that a second round is then organised for candidates who are living with a disability and who were not hired in the first round. Trainees with a disability are entitled to reasonable accommodation measures in the workplace, similarly to any staff member hired. A preparatory meeting is organised for the supervisors of the trainees to ensure an inclusive environment upon their arrival and that the required measures are put in place rapidly. To ensure appropriate financial support, trainees living with a disability are entitled to a disability allowance, which is a flat-rate monthly sum (an extra 20% or 50% of the trainee allowance, depending on the seriousness of the disability as assessed by the Parliament's doctors) to help with possible extra costs incurred.

Both trainees and contract agents with disabilities may well be hired through the mainstream schemes of course: they will still enjoy the same reasonable accommodation measures and other support measures as those hired under the positive action programmes. Persons living with disabilities are therefore encouraged and welcome to apply for all selection procedures, not only for the positive action schemes described above.

¹⁶The scale is published in the following internet site: https://www.ecb.europa.eu/careers/pdf/annex_II_staff_rules_ft.pdf and is also accessible via the intranet site of the Parliament.

3.3.2 Reasonable accommodation

As mentioned above,¹⁷ Article 1d(4) of the Staff Regulations provides for reasonable accommodation, namely ‘appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer’. Parliament’s Secretariat has adopted internal rules implementing this article¹⁸ and setting up an Advisory Committee for Reasonable Accommodations (‘Acora’), which examines all requests and recommends a decision to the ‘appointing authority’ (a senior manager entitled to make this type of decision and appointed by the Secretary-General).

On this basis, every staff member recognised as living with a disability is entitled to request reasonable and appropriate accommodations and changes to the working environment to ensure equal access to employment and career development. Such accommodation measures are granted following the opinion of the Acora committee, which is chaired by EIDU and consists of medical doctors and experts in the fields of human resources, social services and well-being at work. The opinion is then sent to the appointing authority, who will make a final decision granting or refusing the requested measure(s). The committee may also recommend further or different appropriate measures rather than those requested by the staff member, if it sees fit and following the advice of its experts. This way, Parliament offers a wide range of measures tailor-made to the needs of the applicants, in order to ensure the inclusion of every staff member to the highest level possible.

3.3.3 Support provided to staff members’ close dependant family members living with disabilities

The Staff Regulations contain a set of measures intended for staff members taking care of family members with disabilities. These measures allow for provision of financial support on the one hand, and on the other hand give the staff member the possibility of benefiting from a better work-life balance.

To give a few examples, an extension of the maternity leave period is granted in the event of the birth of a child with a disability; a wide range of part-time work opportunities are available (from 95% to 50%); an increased allowance may be granted during parental leave; family leave can be justified by the disability of a family member; and leave on personal grounds may be taken for an unlimited period to take care of a family member living with a disability.

Alongside these provisions, financial support can also be granted through an increased (doubled) family allowance, the reimbursement of exceptional school fees or the reimbursement of specific expenses linked to the disability of the close dependant family members.

The latter is a key service provided by Parliament, thanks to the work done by the ‘Ad hoc committee on financial aid’, chaired by EIDU and composed of medical

¹⁷Cfr. *supra*, Sect. 2.1.

¹⁸This document is not available to the public. It was signed by the Secretary-General of Parliament in 2015.

doctors, social workers and HR experts. The committee may recommend to the appointing authority (who has the final say) the reimbursement of a wide range of costs incurred because of the disability of the staff member or of their close dependant family members.

As already mentioned above,¹⁹ because of the supranational employment level, staff members are not entitled to the Member States' social support schemes. Also, some costs linked to disability may not be covered by the health insurance scheme. It is therefore vital that the institutions provide financial aid to staff and their family members who are living with a disability. Parliament, like other institutions, does so on the basis of the Interinstitutional guidelines implementing Article 76 of the Staff Regulations.²⁰

Finally, as regards crèches and schools for children with disabilities, Parliament has had a system in place for years allowing children with disabilities to attend the European crèches. The European Schools also usually accommodate pupils with learning difficulties or specific educational needs. When this is not possible, financial aid may be requested in order to set up an inclusion project for the child at a suitable school.

3.3.4 One-stop shop: the disability contact point

As is the case for all members of diversity groups, it is extremely important for persons living with a disability to have easy access to all the information regarding their rights, including the conditions for entitlements and the various related procedures. To ensure that all staff members concerned have quick and easy access to the relevant information, and to help them navigate the different rules and rights related to disabilities, EIDU manages a single-entry contact point in Parliament's Secretariat for all disability-related questions. This way, staff members receive the correct information and support as quickly as possible, without having to search for different contacts in numerous services.

The contact is handled via a functional mailbox, which is managed by the unit alongside the contact points for other diversity groups (namely the LGBTIQ+ and anti-racism contact points). Queries are treated in the strictest confidence and in full respect of inclusion communication guidelines, with staff trained in data protection rules. It is also important to note that no medical information is received or handled by the unit; only the medical services are authorised to deal with such information.

4 Further support measures

4.1 Staff support groups

Parliament encourages its staff to set up staff support groups, networks and associations, particularly for diversity groups. These are run completely independently,

¹⁹Cfr. *supra*, Sect. 1.2.

²⁰College of Heads of Administration: Conclusion No 281/20.

without any interference or official approval from the institution or DG PERS. The Diversity Roadmap encourages a continuous dialogue between the Secretariat (via EIDU) and these stakeholders.

One of these support groups is the Disability Support Group, which was set up by and includes staff members living with disabilities and staff taking care of a family member living with a disability.

The group is an important partner, as it channels the voice of its members and is a key source of information to the Secretariat, along the lines of the motto 'nothing about us without us'. The group also provides opportunities for exchange of information with the relevant colleagues.

4.2 Staff support measures not specifically designed for but applying also to persons with disabilities

I have listed above all the policies, programmes and specific measures that Parliament has in place to specifically target the area of disability in the HR field. Nonetheless, and in addition to these, a number of provisions cover a wider range of beneficiaries but are also applicable to staff living with a disability.

Without aiming to be exhaustive (as a list of all such measures would be too long), a staff member may, for example, be absent on sick leave for prolonged periods. In such a case, it is particularly important to provide professional support both throughout the absence and with a view to reintegration into work. To this end, Parliament has set up a specific HR programme called 'Early intervention and return to work', aiming to provide the most appropriate support through a multidisciplinary team and approach.

Another relevant example could be the invalidity scheme, in the event that a staff member loses the capacity to work. In such circumstances, the person might be recognised as having invalidity status and be retired on the grounds of invalidity before the standard retirement age is reached. This decision is always based on the health situation of the individual and is made by the dedicated appointing authority. An invalidity committee is also involved to offer guidance: it consists of three doctors who draw up a recommendation for the appointing authority. A staff member retired on the grounds of invalidity is entitled to the invalidity allowance, along the lines of the Member States' schemes, so that they may also benefit from social support during this time of hardship. Persons in the invalidity scheme are also entitled to health insurance and financial aid for persons with disabilities, as explained above. If the person's health situation improves, they can be declared fit for duty again and resume work: this is of course the goal towards which the whole institution works, in the interest of all parties.

5 Conclusion: how Parliament contributes to changing workplace culture

In this article, I have outlined the spine and bones of the human resources policies of Parliament's Secretariat aiming at inclusion of staff living with a disability. Through

these measures, Parliament shows in concrete terms its willingness and determination not only to build an inclusive environment, but also to change the organisational and workplace culture in the institutions.

In other words, Parliament is not satisfied with merely abiding by international conventions or European strategic documents in this policy area, the implementation of which is mandatory for all EU institutions. It wishes to play a leading role and propose new measures that are not yet included in the applicable rules or regulations. An excellent example of this are the positive action schemes, which are being seen more and more by other EU institutions as a possible model for future initiatives on their end.

Finally, DG PERS, through its intersectional approach, is investing a great deal in training its managers on the benefits of having diverse teams contributing to their daily work, as it believes that tapping into all diverse talents is the recipe for more efficient and thriving teams.

These are all pieces of a mosaic that will hopefully build, step by step, the workplace of tomorrow, based on the values of equality, inclusion and diversity.

Declarations

Competing Interests The author declares no competing interest.

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