

Inclusion of persons with disabilities in the EU labour market: a human rights priority

Background information on EDF

- The European Disability Forum is an independent NGO that defends the interests of more than 80 million Europeans with disabilities. We are a unique platform which brings together representative organisation of persons with disabilities from across Europe, namely European organisations representing different disability groups (such as the European Blind Union, the European Union of the Deaf, the European Network of Independent Living, etc.), and those organisations representing a cross-cutting disability perspective at national level, such as the Austrian National Council of Persons with Disabilities (Österreichische Behindertenrat). We are run by persons with disabilities and their families.
- Our mission is to ensure a full implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) through the active involvement of persons with disabilities in policy-making. When addressing issues of access to labour market by persons with disabilities, we thus pay attention that measures developed comply with the human rights based approach of disability and the CRPD, in particular article 27 on the right to work and employment.

Importance of employment

- Employment is of key importance for persons with disabilities. It serves many purposes in improving quality of life and avoiding social exclusion:
 - First and foremost, there is the financial stability and social security benefits employment brings to a person. This is all the more important given that the outgoings of a person with disabilities can often far exceed that of others, in light of adjustments for reasonable accommodation, and assistive material they might require.
 - Secondly, employment is a means to be included in society, to meet with others, and to avoid isolation. The research centre Eurofound will soon release findings from an extensive survey that suggests that the satisfaction with life among persons with disabilities is intrinsically linked to whether or not they are in our out of employment.

Barriers faced by persons with disabilities

- Employment barriers persons with disabilities typically face are inaccessible work spaces, inaccessible working materials and technology, difficulty in commuting to their work place, lack of reasonable accommodation and flexibility regarding scheduling and the work environment, lack of understanding of disability from their employers or co-workers, discrimination by potential employers and misconceptions about their aptitude to do their jobs.
- Another key barrier to quality employment for persons with disabilities starts at the level of education. A lack of accessible and inclusive educational settings and educational establishments offering reasonable accommodations to persons with disabilities greatly reduces the choice of young people as to where and what they study, reducing their chances for finding a path towards the type of employment they desire.

- Even when persons with disabilities find employment, they are often restricted in their choice of where they work, or are underemployed. Persons with disabilities are more likely than others to work in part-time jobs or have atypical working contracts.
- Overall, young persons with disabilities, women with disabilities and persons with high support need, are the more discriminated against in the field of employment.

General figures

- [We should be cautious when looking at figures on unemployment with regards to persons with disabilities. Long-term unemployed persons with disabilities who receive state aid and are not actively job-searchers are often not counted in unemployment statistics. The figures for unemployment among persons with disabilities therefore overlooks a large number of people who, owing to various barriers, are unable to find employment. A person with disabilities who is dependent on state benefits to survive is not necessarily a person who does not wish to work, but rather who might see the move towards employment as too difficult or risky, in the case that they would lose any future entitlement to disability allowance (as is the case in some Member States). This is why here we look instead at statistics for persons with disabilities in active employment, rather than figures of those who are unemployed.]
- **In the EU, only about 47% of persons with disabilities are employed compared to 72% of persons without disabilities. Europe 2020 target for EU 27 is 75%.¹**
- **The situation across Member States differs significantly. The employment rate of people with disabilities (for both sexes) is very low in Croatia (20%), Greece (30%) and Malta (32%). On the contrary, this same rate is relatively high in Cyprus (55%), Germany (57%) and Sweden (59%).²**
- There is an employment gap between people with and without disabilities in all EU Member States. The highest gap can be found in Lithuania (39 percentage points), Bulgaria (36 pp) and Hungary (34 pp). On the other side, we find Luxembourg (21 percentage points), Cyprus (19 pp) and Italy (18 pp).
- Among the inactive disabled population aged 15 to 64, an illness or disability was unsurprisingly the main reason stated for not seeking employment. This reason was most frequently mentioned by persons aged 25-54.³
- The extent to which people with disabilities feel left out of society varies considerably depending on whether they are employed or not. Those who have a job far less often report feeling left out of society than long-term unemployed disabled respondents or those who are unable to work because of their disability (Eurofound report on The Social and Employment situation of People with Disabilities 2018, not yet published).

Legal framework applicable to all EU and EU Member States

- The EU and all its Member States have to ensure the right of persons with disabilities to employment as enshrined in the CRPD (in particular article 27) and the 2000 EU Employment Equality Directive.⁴
 - Article 27 of the CRPD enshrines the right to work and employment of persons with disabilities. It upholds the important principles of equality and non-discrimination

¹ <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1569&context=gladnetcollect>

² <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1569&context=gladnetcollect>

³ https://ec.europa.eu/eurostat/statistics-explained/index.php/Disability_statistics_-_labour_market_access

⁴ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

that are main principles of the CRPD. Under the CRPD, States parties of the Convention must recognise the right of persons with disabilities to work, which includes “the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.” It comprises labour and trade unions rights, including equal and decent working conditions and payment, and equal access to vocational and continuing training.

- Article 27 obliges States parties to “safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation.” It lists examples of measures that should be taken, such as prohibition of discrimination, employment in the public sectors, promotion of employment in private sector, provide reasonable accommodation in the workplace, promote vocational and professional rehabilitation...
- The Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation which has been transposed by all EU Member States, prohibits discrimination in employment on the ground of disability (article 1) and requires employer to adopt reasonable accommodations enable persons with disabilities “to have access to, participate in, or advance in employment, or to undergo training” (article 5).

What kind of responses should we focus on?

- A policy of flexible working hours coupled with a social security system ensuring persons with disabilities that they will not lose their rights, if they are not successful, might make part-time jobs accessible and attractive. This might avoid a process of long-term economic inactivity with the ensuing risks of marginalisation. This policy might be completed with the provision of technical aids and work adaptations.⁵
- The divergence between average employment rates in Member States and their correlation with the employment rates of persons with disabilities, goes to suggest that the improvement of the economic situation alone will not significantly affect the employment rate of people with disabilities, particularly those with high support needs. Measures which are aimed to affect the general population are not expected to have a significant impact on people with disabilities, in particular with high support needs. Rather we need employment policies that make specific provisions for removing the barriers (identified above) that often prevent persons with disabilities finding employment.⁶
- EDF would like to see specific reference to disability within the EU’s [Social Scoreboard](#) and the use of the Social Pillar as a means to push for concrete legislation across the EU that seeks to close the employment gap between persons with disabilities and others.
- Member States and the EU, through its new Disability Strategy and other measures, will need to take seriously their commitment to the CRPD, and particularly Article 27. Sharing and implementing good practices is a good way to start. Measures for the inclusion of persons with disabilities in the labour market should take into account the diversity of

⁵ <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1569&context=gladnetcollect>

Meeting of EU Ombudspersons for Persons with Disabilities (Vienna, 15 and 16 November 2018) –
Presentation by the European Disability Forum (EDF)

people with disabilities, and all forms of disabilities (physical, sensorial, intellectual, psychosocial), and address all forms of barriers that may also be the result of structural discrimination. Specific measures to promote employment of young persons with disabilities must urgently be developed. States should consistently consult with persons with disabilities and their representative when developing measures and policies around labour market inclusion.