



United Nations

Division for Social Policy Development (DSPD)
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Toolkit on
DISABILITY for **AFRICA**

**THE RIGHT OF PERSONS WITH DISABILITIES
TO WORK**

Toolkit on disability for AFRICA



THE RIGHT OF PERSONS WITH DISABILITIES TO WORK

TABLE OF CONTENTS

1. OVERVIEW	1
2. TECHNICAL CONTENT	3
2.A Background.....	3
2.B Legal Framework	4
Country Checkpoint	5
Country Checkpoint	6
2.C Reasonable Accommodation.....	9
Country Checkpoint	9
2.D Approaches to Facilitating Employment for Persons with Disabilities.....	11
Country Checkpoint	14
Country Checkpoint	14
3. SUMMARY & KEY LEARNING POINTS	15
4. USEFUL RESOURCES	16
5. LEARNING ACTIVITIES	17
Session Sheet for the Trainer – The Right of Persons with Disabilities to Work, Session 1.....	18
Learning Activity 2.B: Identifying & Removing Barriers to Employment.....	19
Handout: Matrix Template – Barriers for Persons with Disabilities	20
Handout: Good Practices in Promoting Employment of Persons with Disabilities	21
Handout: ILO Perspective: Reasons for Low Employment Rates for Persons with Disabilities.....	22
Session Sheet for the Trainer – The Right of Persons with Disabilities to Work, Session 2.....	23
Learning Activity 2.D: Facilitating Employment for Persons with Disabilities	24
Handout: Scenario One (a): Highlighting Accessibility Issues	25
Handout: Scenario One (b): Highlighting Accessibility Issues.....	26
Handout: Scenario Two (a): Highlighting Accessibility Issues	27
Handout: Scenario Two (b): Highlighting Accessibility Issues	28



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List of acronyms

AT	Assistive Technology
CEDAW	Committee on the Elimination of Discrimination against Women
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRPD	Convention on the Rights of Persons with Disabilities
CRPD	Committee on the Rights of Persons with Disabilities
CRC	Committee on the Rights of the Child
CRC	Convention on the Rights of the Child
CRC	Convention on the Rights of the Child
DFIs	Development Financing Institutions
DPOs	Disabled Persons Organizations
DSPD	Division for Social Policy and Development/UNDESA
EC	European Commission
G3ICT	Global Initiative for Inclusive ICTs
HIV/AIDS	Human Immunodeficiency virus / Acquired Immunodeficiency Syndrome
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic and Cultural Rights
ICF	International Classification of Function, The World Health Organization
ICT	Information and Communication Technology
ILO	International Labour Organization
ITCILO	International Training Centre of the ILO
IPU	Inter-Parliamentary Union
ITC	Information and Communication Technology
ITU	International Telecommunication Union
MDGs	Millennium Development Goals
MFI	Microfinance institutions
MSPs	Multi-stakeholder Partnerships
NAPs	National Action Plans
NGO	Non-Governmental Organization
NVDA	Non Visual Desktop Access
OHCHR	Office of the High Commissioner for Human Rights
OSISA	Open Society Initiative for Southern Africa

PCM	Project Cycle Management
PRP	Protracted Relief Programme
SABE	Self-Advocates Becoming Empowered
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Fund
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
VOCA	Voice Output Communication Aids
WHO	World Health Organization



1. OVERVIEW

Module objectives

- ▶ To provide an overview of the right to work and employment of persons with disabilities and practical suggestions to address barriers and promote strategies for inclusion.

Who is this module for?

This module is relevant to everyone who has an interest in, or a duty to protect and promote, the human rights of persons with disabilities.

What is this module about?

The content of this module:

- ▶ reviews the provisions of the Convention on the rights of persons with disabilities (CRPD) focusing specifically on article 27 on work and employment;
- ▶ explains relevant concepts relating to economic empowerment and employment of persons with disabilities;
- ▶ identifies strategies and solutions to ensure that the barriers faced by persons with disabilities to work have been removed so that their right to work is promoted;
- ▶ includes learning exercises to accompany the material; and
- ▶ lists key resources for additional reference.

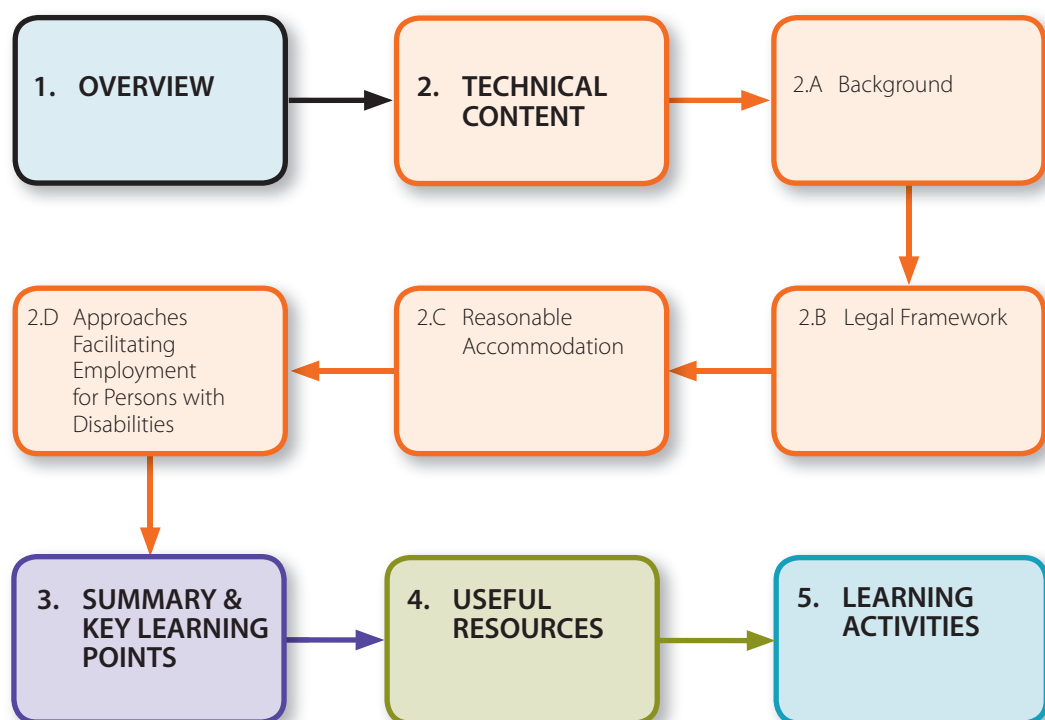


Learning objectives

On completion of this module, participants will have:

1. Identified the importance of employment for the inclusion of persons with disabilities in society.
2. Identified and removed barriers for persons with disabilities in employment.
3. Reflected on the concept of providing reasonable accommodation.
4. Highlighted approaches to facilitating employment for persons with disabilities.

Module map





2. TECHNICAL CONTENT

2.A Background

Employment is central to the ability of persons with disabilities to maintain a decent standard of living for themselves and for their families, and is an important factor influencing their opportunities to participate fully in society.¹ Work is a defining feature of human existence and in many societies the ability to work is viewed as one of the most important ways in which people can make their individual contributions to their communities. However, despite existing national, regional and international laws, and despite the activities of international bodies and Disabled Peoples' Organizations (DPOs), persons with disabilities throughout the world too often continue to be denied the right to work and statistics indicate that the rates of unemployment, underemployment and economic inactivity among persons with disabilities tend to be much higher than those of other workers.

Many persons with disabilities, including in African countries, do not have access to the same educational and training opportunities as their non-disabled peers. Youth with disabilities, for example, are frequently additionally disadvantaged in their search for work and mainstream employment because they have not had access to education or vocational training, or because teaching staff are not appropriately trained, or because appropriate facilities are not available. Lacking educational qualifications and training in marketable skills puts them at a competitive disadvantage in their search for decent jobs.²

There may be stereotypes that persons with disabilities are not intelligent and are slow to learn. These same stereotypes and prejudices that can contribute to exclusion from education and vocational training may also create additional barriers in terms of employment, as prejudices and stigma among many employers, co-workers and the general public aggravate an already difficult position. In addition, persons with disabilities face barriers in the form of inaccessibility of information and of the physical environment, including transportation, housing and workplaces. Employers also often assume that the costs of implementing reasonable accommodation for employees with disabilities (for example, accessibility features or flexible working schedules) are prohibitively expensive. Barriers to accessing financing can also frustrate the ability of persons with disabilities to engage in self-employment.

Discouraged by discriminatory barriers and mistaken assumptions about their capacity to work, and in some cases fearing a loss of benefits, many persons with disabilities withdraw from an active search for employment and jobs, and rely either on disability benefits in countries where these exist, or eke out a livelihood in low value-added work in the informal economy, with support from their families and community.

In many cases, persons with disabilities who are unable to support themselves become financially trapped in a poverty cycle, unable to meet even their most basic needs for food, water, clothing, and shelter, or indeed raise a family as they would wish. In some countries employment provides a means of accessing the health insurance needed to obtain health care services. Where persons with disabilities are unable to obtain employment in such countries, their access to health care services may also be restricted.

¹ Fourth Session of the Conference of State parties to the Convention on the Rights of Persons with Disabilities, Background Paper for Informal Session on Work and Employment, Note by the Secretariat based on the contributions of the ILO and the International Disability Alliance (2011).

² Ibid.

While persons with disabilities continue to face significant challenges in relation to employment, it is important to note that there have been improvements in many countries. It is essential to build on these and to maintain this positive momentum.

2.B Review of Legal Framework

Every individual has the fundamental right to work.³ This right is essential for realizing other human rights and constitutes an inseparable and inherent part of human dignity. It contributes at the same time to the survival of the individual and to that of his or her family and, insofar as work is freely chosen or accepted, to his or her development and recognition within the community.

The Convention on the Rights of Persons with Disabilities (CRPD) was the first Convention to introduce the social model of disability and change the direction of how individuals with disabilities are included into the workplace. The CRPD does not create new rights. Rather, it takes existing rights and interprets them in the context of persons with disabilities.



**See Learning Activity 2.B. titled
Identifying & Removing Barriers to Employment**

In terms of work and employment, Article 27 of the CRPD requires that State parties recognize the right of persons with disabilities to work on an equal basis with others, including their right to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible. Article 27 sets out measures through which State parties can safeguard and promote the realization of the right to work, including for those who acquire a disability in the course of employment. These include the following:

- ▶ prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuation of employment, career advancement and safe and healthy working conditions;
- ▶ protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- ▶ ensuring that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- ▶ enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services, and vocational and continuing training;
- ▶ promoting employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

³ Universal Declaration of Human Rights, Art. 23; and the International Covenant on Economic, Social and Cultural Rights, Art. 6

- ▶ promoting opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- ▶ employing persons with disabilities in the public sector;
- ▶ promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- ▶ ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;
- ▶ promoting the acquisition by persons with disabilities of work experience in the open labour market;
- ▶ promoting vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

Key Point: Human Rights are Interrelated, Interdependent, and Indivisible

All human rights are interrelated, interdependent and indivisible. Consequently, violations of the right to work can lead to violations of the enjoyment of other human rights by persons with disabilities. For example, a person with a disability who is unable to work and earn a fair wage may be unable to attain an adequate standard of living. Similarly, violations of other human rights, such as the right to education, can also impact on the ability of persons with disabilities to realize their right to work and employment.

Country Checkpoint

Violations of other human rights can create additional barriers preventing persons with disabilities from being able to fully enjoy their right to work. In your country, how do these barriers impact on the right to work for persons with disabilities? Consider each of the following examples in terms of your country context:

- inaccessible public and/or private transportation may deprive persons with disabilities of their ability to access places of employment;
- limited access to and retention in education systems, especially vocational and other training opportunities, may leave persons with disabilities unable to meet specific job qualifications and may also restrict their earning potential;
- minimal opportunities to live independently and in the community may force persons with disabilities to either beg or work in the informal economy, with support provided by their families and community; and
- inadequate and inaccessible information may make it difficult for persons with disabilities to become aware of job postings and other information on potential employment.



Article 27 in the CRPD provides the framework for steps that could be taken to realize the right to work and employment.

CRPD Summary: Article 27 Work and Employment

- Recognizes the right of persons with disabilities to work on an equal basis with others;
- Right to work includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market
- Right to work requires a work environment that is open, inclusive and accessible to persons with disabilities.
- State parties must protect and promote the realization of the right to work, including for persons who acquire a disability during the course of employment;
- Steps to facilitate realization of the right include:
 1. prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuation of employment, career advancement and safe and healthy working conditions;
 2. protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
 3. ensuring that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
 4. enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services, and vocational and continuing training;
 5. promoting employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
 6. promoting opportunities for self-employment, entrepreneurship, the development of cooperatives and for starting one's own business;
 7. employing persons with disabilities in the public sector;
 8. promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
 9. ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;
 10. promoting the acquisition by persons with disabilities of work experience in the open labour market;
 11. promoting vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.



Country Checkpoint

In some African countries, the right to work is guaranteed to persons with disabilities in Constitutional provisions, as in the examples provided below. The right to work for persons with disabilities can also be guaranteed in anti-discrimination law, in national disability law and in other types of legislation. Consider how the right to work is specifically protected for persons with disabilities in the legal framework in your country.

a. Disability in National Legislation

Constitutional provisions or specific legislation prohibiting discrimination are now regarded as an essential element of the response to discrimination in employment and occupation. The object of non-discrimination legislation is to prohibit discrimination on the grounds of disability, as well as other grounds.

Examples of Constitutional Provisions Concerning Work

Tanzania: The Constitution of the United Republic of Tanzania

Article 11 states: “The State Authority shall make appropriate provisions for the realization of a person’s right to work, to self-education and social welfare at times of old age, sickness or disability”.

Malawi: The Constitution of Malawi, Article 13, obliges the State to adopt and implement policies and legislation aimed at ensuring fair opportunities in employment for persons with disabilities, as well as greater access to public places and the fullest possible participation in all spheres of Malawian society.

However, Constitutional provisions alone often have limited impact. They tend to be broad and do not contain precise definitions. Therefore, although a constitutional provision provides for protection at the highest level of legislation it must be further incorporated into the country’s Labour Law in order to confer specific rights on persons with disabilities.

Labour Law Codes provide an effective location for laws relating to the rights of persons with disabilities. These laws can take the form of non-discrimination laws, which focus specifically on persons with disabilities and confer certain employment rights such as quotas. Providing provisions on the employment-related rights of persons with disabilities are also the most likely to have the greatest practical impact on opportunities for job-seekers and workers with disabilities.

Quota schemes are the most common type of affirmative action measures aimed at promoting the inclusion of persons with disabilities in the labour market. Quotas can be introduced by law or through a government decision or regulation. Under various different types of quota scheme, employers employing a specified number of persons are obliged to ensure that a certain percentage of their workforce is made up of persons with disabilities.

Quota schemes can be developed in different forms. However a quota-levy system makes the greatest contribution to the promotion of employment of persons with disabilities. Under a quota-levy scheme, a binding quota is set and all covered employers who do not meet their obligations are required to pay a levy. The money raised through such a quota scheme is transferred into a fund to support the employment of persons with disabilities. It is important however to accompany quota schemes with other measures that facilitate the compliance of companies with quota obligations.

b. Scope of Disability Law

An increasing number of States prohibit discrimination on the ground of disability, particularly in the field of employment, either through comprehensive laws applying to different groups in the population as a whole or through disability-specific laws. This reflects the increasing acknowledgement that disability is frequently used as a reason for

excluding people with disabilities and to deny them equal employment opportunities, where this is not justified in the given circumstances. The objective of such laws is to combat the exclusion of and the denial of equal opportunities to people because of particular characteristics such as disability, and to increase the participation rates of persons with disabilities in employment and other sectors of society. By making disability a protected ground, the law extends protects against discriminatory behaviour and punishes those people who violate the non-discrimination norm.

Examples of Legislative Provisions Concerning Work

Namibia: Affirmative Action Act, 1998

Article 11 states: “The State Authority shall make appropriate provisions for the realization of a person’s right to work, to self-education and social welfare at times of old age, sickness or disability”.

Ghana: Persons with Disabilities Act, 2006, focuses specifically on non-discrimination applying only to persons with disabilities and includes clauses 9 to 15 that specifically focus on employment of persons with disabilities.

c. Different Forms of Discrimination

Discriminatory behaviour arises when an employer treats an applicant for a job or employee adversely or less favourably on the grounds that he or she has a disability, where the disability has no, or hardly any, effect on job performance. Various forms of discrimination exist, including direct, indirect and multiple discrimination. However, significantly Article 5 of the CRPD prohibits discrimination in every form and makes no distinction between forms of discrimination. Additionally, under Article 2 of the CRPD the denial of reasonable accommodation is explicitly recognized as a form of discrimination.

Direct discrimination occurs when a person is treated less favourably than another similarly situated person because of a particular characteristic protected by non-discrimination law, such as race, sex or disability.

Indirect discrimination occurs when an apparently neutral situation, regulation or practice in fact results in unequal treatment of persons with certain characteristics. It occurs when the same condition, treatment or criterion applies to everyone, but has a disproportionately harsh impact on some persons on the basis of certain characteristics. The intention to discriminate is not a prerequisite for indirect discrimination to have occurred.

Under Article 6 of the CRPD, the term **multiple-discrimination** refers to the experiences of exclusion which are deeply affected by the multiple dimensions of an individual’s identity. For example, persons with disabilities generally experience higher rates of unemployment and underemployment than non-disabled persons. However, women with disabilities experience higher rates of unemployment than men with disabilities because of the discrimination they also face as women in the workplace.

The **denial of reasonable accommodation** is also a form of discrimination. An impairment can sometimes affect an individual’s ability to carry out a job in the usual or accustomed manner. The obligation to make reasonable accommodation, or provide the right to be accommodated, is often found in modern disability non-discrimination law. The law should define closely what is meant by reasonable accommodation, so

that misinterpretation is avoided and employers clearly understand what they must do. For example, in South Africa the obligation to make reasonable accommodation in employment is required by the Employment Equity Act of 1998. The Act defines reasonable accommodation as involving any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment.

The CRPD makes clear that the failure to provide reasonable accommodation itself amounts to discrimination. Reasonable accommodation should already be provided for in the recruitment phase. When a person with a disability is a successful job applicant, the employer must provide reasonable accommodation in the form of appropriate modifications or adjustments if required to facilitate performance of the essential activities of the job. In most cases the person with a disability will be able to give advice to the employer on what is needed. It is also important to protect the privacy of the person requesting reasonable accommodation. If necessary, employers should also seek advice from government agencies or organizations which represent or provide services to persons with disabilities.

2.C Reasonable Accommodation

Reasonable accommodation means necessary and appropriate modifications and adjustments which do not impose a disproportionate or undue burden, as needed in a particular case, to ensure for persons with disabilities the enjoyment or exercise on an equal basis with others of all human and fundamental freedoms. It is necessary to address the individual aspect of reasonable accommodation (which is different from accessibility, affirmative action and universal design). Reasonable accommodation is the outcome of discussion or negotiation between the concerned employee and the employer.

Important: Reasonable Accommodation Concerns All Stages of Employment

Reasonable accommodation requires employers to accommodate the needs of persons with disabilities through making reasonable changes in what they do and how they do it in those cases where, without these changes, it would be very difficult or impossible for persons with disabilities to work (unless it incurs more than a nominal cost).

Country Checkpoint

Generate examples of workplace accommodation that employers may need to make in your country in order to reasonably accommodate a worker with a disability.



Examples of Workplace Accommodation

Changing recruitment and selection procedures

For example, providing a sign language interpreter for a deaf person, or ensuring that the medical assessor is familiar with a person's particular disability and how it relates to the job requirements.

Modifying work premises for the individual needs of the person with disabilities

For example, making ramps, modifying toilets, providing flashing lights to alert people with a hearing impairment. This is to be distinguished from accessibility, which is something general, applicable to all persons.

Changes to job design, work schedules or other work practices

For example, changing certain duties among staff, providing regular meal breaks for a person with diabetes, or providing a quiet work space.

Modifying workplace equipment and providing supportive technology

For example, lowering a workbench or providing an enlarged computer screen or screen-readers.

Providing training or other assistance

For example, induction programmes for staff with a disability and co-workers, a mentor or support person for a person with an intellectual disability, inclusion of staff with a disability in all mainstream training.

d. Burden of Proof

Under some legislation, a person who considers him or herself wronged because of discrimination has to produce evidence to prove that this has occurred. In some cases it may be possible to collect such necessary evidence without difficulty. However, in most cases involving an action which is suspected rather than established, it may prove impossible to gather credible evidence. In order to address this concern, many countries have shifted the burden of proof away from the person bringing the claim to court. Once the burden of proof has shifted to the person who is alleged to have discriminated against the complainant, evidence must be provided in the form of valid non-discriminatory justification for the treatment.

e. Role of Trade Unions, Employer Federations and Civil Society

Widespread consultation with trade unions, employer federations and civil society prior to the revision or drafting of laws designed to promote the rights of persons with disabilities will enable policymakers to profit from the expertise that exists in the community.

For example, many of the obligations resulting from a law or policy to promote the employment of people with disabilities fall on employers. It is therefore of particular importance to ascertain the opinion of employers prior to adopting or amending the law or policy. Furthermore, trade unions may be able to provide valuable insights into the problems and effective policies that already exist if they are already actively involved in the promotion of the employment of persons with disabilities. Lastly, support from the majority of the disability community is essential for the success of any eventual policy. Requests for public comment on any law regarding persons with disabilities will enrich the debate and strengthen the application of the policy after it comes into force.

2.D Approaches to Facilitating Employment for Persons with Disabilities

This module has highlighted a number of challenges facing persons with disabilities in relation to realization of the right to work. Beyond legislation, realization of the right of persons with disabilities to work can be pursued through a number of approaches, including through policy formation, specific programmes, inclusive and accessible financial services, ensuring accessibility, and awareness-raising.

Mainstreaming Disability in National Development Policies

Mainstreaming disability inclusion strategies into existing development processes is a way of ensuring the rights of persons with disabilities in terms of work and employment. It allows disability-inclusive strategies to become a part of policies that already exist or may be developing within a country. The possibility for mainstreaming exists in several areas, including national employment and youth employment policies.

The inclusion of persons with disabilities in national employment policies is explicitly mentioned in the provisions of the International Labour Organization's Vocational and Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983 and provides another avenue through which to advance disability inclusion. For example, in 2009 Ethiopia was able to feature a strategy in its national employment policy which called for the inclusion of people with disabilities in the labour market. It explicitly addressed the need to improve and expand training and other skills development services and support persons with disabilities in starting their own businesses in the formal private sector.

The rights of persons with disabilities can also be mainstreamed in existing or planned youth employment policies. For example, in Togo a National Youth Policy was created in 2007, which had five objectives, one of which included promoting equality. Through this objective the right to employment for youth with disabilities could be mainstreamed and included within the overall strategy of the youth policy.

Supported Employment

Supported Employment Services are a model for employment and recruitment to enable persons with disabilities to secure and maintain a job in the open labour market. This model provides a range of support to employers and persons with disabilities, through job coaches. There are a wide variety of ways in which supported employment may be provided including individual placements, small work teams, mobile work crews and small business arrangements. These services have provided great social and psychological benefits for workers. Cross-national comparisons are very difficult, and each country has to choose the approach that works best. The range of possible supports include:

- ▶ Individual Needs Assessment
- ▶ Vocational Profiling and Career Planning
- ▶ Individual Employment Plan
- ▶ Job Sourcing and Job Matching
- ▶ On-the-Job Support and Coaching which supports persons with disabilities in their work-places, and gives advice to employers and co-workers on the inclusion of persons with disabilities
- ▶ Advice and support to employers
- ▶ Follow-up support and mentoring for both employers and employees.



**See Learning Activity 2.D. titled
Facilitating Employment for Persons with Disabilities**

Good Practice: From the Informal Sector

In Cape Town, South Africa, the Siyakwazi Integration Company Project provides an incubator service for trainees who completed a bridging programme but were not yet able to secure employment in the open labour market. Contract cleaning and gardening work are secured for use as practice opportunities in a work environment very close to conditions in the open labour market. Trainees receive an allowance equal to the minimum wage per hour while the job coaches assist them in securing employment. In this way their skills and work routines are retained and easier transition into employment assured.

Source: Cape Mental Health; Training Workshops Unlimited

Micro-Financing

Access to finance is a critical factor in developing self-employment opportunities for people with disabilities. Microfinance institutions (MFIs) provide access to financial services for low-income people. In line with microfinance and poverty alleviation, the need to build an all-inclusive financial sector is paramount. Microfinance has been proved to be a beneficial tool in poverty reduction and, for this reason, all micro-financing institutions should mainstream the inclusion of persons with disabilities. Often persons with disabilities have been looked at as less enterprising than others and therefore less attractive candidates for micro-financing. This assessment is however unfounded and a large number of persons with disabilities can benefit from financial services. Although micro-financing institutions do not have a deliberate policy of not including persons with disabilities, the physical structure and design of the services provided tends to exclude them.

Micro-financing institutions, disabled persons organizations and donor institutions can work together to alleviate the barriers persons with disabilities face in order to access micro-financing. For example, the Association of Microfinance Institutions of Uganda (AMFIU) is a network of microfinance institutions throughout the country that mainstreams financial services into existing structures for persons with disability through their "Microfinance and Disability" project.

Good Practice: The Role of Financial Institutions

How can a country address economic disparities?

In a recent study the barriers experienced by women with disabilities in dealing with financial institutions were reviewed. The study found that financial institutions require collateral from women with disabilities with no previous business risk information. Another barrier was the risk analysis model used by the National Youth Development Agency (NYDA) in South Africa. This model dictates that before one is granted a loan, he or she must have several years of successful business experience, cash-flow and collateral. This can be a problem for women with disabilities who point out that they rarely have business experience or that they lack collateral or any of the requirements of the risk analysis model.

Many development financing institutions (DFIs) require collateral from someone who lives in poor housing conditions, or who has never been employed or had a business. Women with disabilities need to be evaluated individually against what they are bringing to the table. Women with disabilities are not asking or begging for charity, all they are asking from DFIs is a fair opportunity. Developmental financing needs to be reconsidered to maximize the participation of disabled women in the economy.

The role of development finance institutions is to fund development and therefore they focus on development. DFIs should fund businesses of women with disabilities and respond to their mandate for development and diversification of the economy. It is therefore vital for DFIs and other financial institutions to start supporting diversified development which includes women with disabilities. Experience shows that DFIs have made progress when they have had a disability-specific agency working with them.

Ensuring Accessibility

Article 9 of the CRPD sets out the responsibility of State parties to take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, transportation, information and communications including information and communications technologies and systems, and to other facilities and services open or provided to the public. The implementation of Article 9 is an important prerequisite for the realization of the right of persons with disabilities to work.

The concept of equal opportunities refers to the process through which the various systems of society and the environment – such as services, activities, information and documentation – are made available to all, with an emphasis on participation, access and partnerships as principles. Persons with disabilities need access to the provision of supportive devices, information on available skills development and work opportunities, transport and financial assistance. One cannot enjoy a right until one is able to access it without facing any barriers which may hinder such access.

Awareness-Raising

Part of the required shift in thinking necessitates regarding persons with disabilities as individuals with capabilities and addressing the negative myths and stereotypes about persons with disabilities held by some employers, service providers and even some persons with disabilities themselves, as well as various parts of society in general. Employers, for example, may assume that they will receive lower productivity from an individual with a disability. There is, therefore, a need for employers to become more aware of disability and of the productive potential of persons with disabilities, and

to become knowledgeable regarding strategies to accelerate the implementation of disability-inclusive employment policies, such as technical and personal support - for example guide dogs, job coaches, provision of personal assistants, readers, signers, sign language interpreters, and technical aids and devices.

A key approach, therefore, to achieving the right of persons with disabilities to work is to raise general society awareness of the work potential and right to employment of persons with disabilities. An effective approach to awareness-raising requires an understanding of the policy environment, identification of the most effective strategies for raising awareness and the provision of support and training to employers to enable them to recognize the potential of persons with disabilities.



Country Checkpoint

Determine the conceptual framework and prevailing attitudes to persons with disabilities in your country. Consider and discuss the following questions:

1. What is the general level of knowledge about persons with different types of disability?
2. What are the common perceptions in your country of persons with disabilities and their employment?
3. How do these beliefs affect the employment situation of persons with disabilities?
4. What are appropriate strategies for promoting the rights of persons with disabilities in employment and skills development opportunities?

Draw conclusions from the discussion.

Achieving Decent Work Opportunities in the Public Service

In some countries persons with disabilities have had minimal involvement in the employment processes, especially within the public service. They have often been encouraged to pursue work projects such as sewing, knitting and carpentry which provide basic skills but do not allow persons with disabilities to work in the formal sector, thus limiting their economic freedom. The public service, including government departments, must take a leadership role as a headline employer and making a real contribution in encouraging other employers to amend their thinking towards seeing themselves as sources of employment for persons with disabilities.



Country Checkpoint

Are the above examples of strategies for disability-inclusive employment relevant to your country? What will work in different employment contexts? In the public sector? In the private sector? In small businesses? In large companies? In the education sector? In other sectors? How might strategies differ for individuals with different kinds of disability?



3. SUMMARY & KEY LEARNING POINTS

The CRPD articulates the right to work and employment for persons with disabilities. Despite this and relevant advances in national level protections, persons with disabilities tend to remain disproportionately represented among the unemployed or under-employed population.

This module explores barriers faced by persons with disabilities in the world of work, such as lack of access to equal educational and training opportunities, cultural stereotypes, and inaccessibility of information and of the physical environment. It further reviews different forms of prohibited discrimination that may affect persons with disabilities, as well as the obligation to provide reasonable accommodation.

Finally it presents a range of measures that can be taken to promote employment opportunities and career advancement for persons with disabilities. These include mainstreaming disability in national development plans, setting up of supported employment programmes, micro-financing, and ensuring accessibility to information, ICTs, public services, facilities and transportation.



4. USEFUL RESOURCES

The following ILO Publications contain examples of good practice:

http://www.ilo.org/skills/pubs/WCMS_168819/lang--en/index.htm

http://www.ilo.org/skills/pubs/WCMS_167204/lang--en/index.htm

http://www.ilo.org/skills/pubs/WCMS_161490/lang--en/index.htm

http://www.ilo.org/skills/pubs/WCMS_160776/lang--en/index.htm

http://www.ilo.org/skills/pubs/WCMS_150658/lang--en/index.htm

<http://www.ilo.org/skills/areas/inclusion-of-persons-with-disabilities/lang--ja/index.htm>

http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_091340/lang--en/index.htm

http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_091349/lang--en/index.htm

-  R. Hurst, "Disabled People's Organisations and development: strategies for change," In *Disability and development: learning from action and research on disability in the majority world*. (Stone, ed., Leeds: The Disability Press, 1999).
-  International Labour Office. *Moving towards disability inclusion*. Geneva (2011) available at: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_160776.pdf
-  T. Lorenzo, "We don't see ourselves as different": A web of possibilities for disabled women. Unpublished PhD Dissertation, (University of Cape Town, 2005).
-  T. Lorenzo, J. Motau & P. Chappell, P. Community Rehabilitation Workers as Catalysts for Disability-Inclusive Youth Development. In Lorenzo, T. (Ed). *Marrying Community Development and Rehabilitation: Reality or Aspirations for Disabled People? 2 Disability Catalyst Africa Series* (University of Cape Town: Disability Innovations Africa, 2012).
-  T. Lorenzo, T., L. Van Niekerk, & Mdlokolo, "Economic empowerment and black disabled entrepreneurs: Negotiating partnerships in Cape Town, South Africa," 29(5) *Disability and Rehabilitation* 429-436 (2007).
-  P. Loyilane. *We should be given a chance: Identifying barriers and enablers from disabled people's employment in the office of the Premier of the Eastern Cape Provincial Government, South Africa*, Unpublished Masters Thesis, (University of Cape Town, 2008).
-  L. Ned-Matiwane, "A study to explore the capacity of family and service providers to facilitate participation of disabled youth in accessing opportunities in skills development and employment in Cofimvaba, Eastern Cape," Unpublished Masters Thesis. (University of Cape Town, 2013).
-  J. Taylor, D. Marais, and A. Kaplan, *Action Learning. A Developmental Approach to Change. CDRA Nuggets* (2005), available: www.cdra.org.za.
-  Netcare: www.netcare.co.za
-  US Department of Labor, Job Accommodation Network website, available at: <http://askjan.org/>
-  World Health Organization and World Bank, *World Report on Disability* (2011).
-  Zero project: www.zeroproject.org



5. LEARNING ACTIVITIES

Session Sheet for the Trainer – The Right of Persons with Disabilities to Work, Session 1

Technical Content 2.B.: Legal Framework

Learning Activity 2.B.: Identifying & Removing Barriers to Employment

Handout: Matrix Template – Barriers for Persons with Disabilities

Handout: Good Practices in Promoting Employment of Persons with Disabilities

Handout: ILO Perspective: Reasons for Low Employment Rates for Persons with Disabilities









Session Sheet for the Trainer – The Right of Persons with Disabilities to Work, Session 2

Technical Content 2.D: Approaches to Facilitating Employment for Persons with Disabilities

Learning Activity 2.D.: Facilitating Employment for Persons with Disabilities

Handout: Scenarios (4)

Session Sheet for the Trainer – The Right of Persons with Disabilities to Work, Session 1

	Key Messages	See the summary and key learning points.
	Objectives	By the end of this session, participants will have discussed how to remove barriers for persons with disabilities in employment.
	Room Arrangement	Tables for small group work with 4-6 people. White boards with pins, paper and cards.
	Activity	20 mins – Step 1 of Learning Activity 2.B. 10 mins – Step 2 of LA 2.B. 30 mins – Step 3 of LA 2.B. 30 mins – Plenary feedback and summary
	Duration	90 minutes
	Notes for a Training Team	Small group work to generate a list of potential barriers to employment with further work on those particular barriers facing women and young adults with disabilities. This serves as introduction to Article 27 of the CRPD so be sure to summarize the discussion by explaining Article 27 of the CRPD.
	Task Sheets	Learning Activity 2.B.: Identifying & Removing Barriers to Employment
	Handouts	Handout: Good Practices in Promoting Employment of Persons with Disabilities Handout: ILO Perspective: Reasons for Low Employment Rates for Persons with Disabilities Handout: Matrix Template – Barriers for Persons with Disabilities

Learning Activity 2.B: Identifying & Removing Barriers to Employment



Objective: To discuss how to remove barriers for persons with disabilities in employment.

In many countries statistics demonstrate there are low employment rates for people with disabilities. In your group, discuss and list the reasons why this could be so.

Step 1

Write each reason you identify on a card. When you have finished generating your ideas draw three large circles on your white board. The first circle labels women with disabilities, the second the general population of people with disabilities and the third young adults with disabilities.

From your cards, decide in which circle each should be placed, discuss each idea and consider whether the reasons for limited employment options have a greater impact on women or young people with disabilities than the general population of job seekers with disabilities. If you do not think the reason has a greater impact on women or young people, place it in the middle circle.

If you think an idea or reason has a greater impact on both young people AND women, then duplicate the card and place it in both of the circles.

You can use the handout of the matrix template to note your ideas for future reference.

Step 2

When you have placed all your cards exchange your white board with that of another group and invite one person from the other group to join you. Also send an “Ambassador” from your group who can explain your ideas to the group that now has your white board. Go through the list of new ideas and see if there are any notable differences. Then choose one card from the circle of barriers that affect women with disabilities and one from the circle of barriers that affect young adults. You are going to develop a strategy to reduce or eliminate this barrier.

Step 3

In turn, discuss each of the cards. Undertake a root cause analysis to try and understand the true cause of the barrier (there is not much point in only addressing the symptom). Identify what actions could be taken and prepare a short presentation of your ideas to share in plenary.

Go back to the matrix template to take note of any relevant information you gain from the other presentations.

You have 20 minutes to complete Step 1, 10 minutes to review and complete Step 2, and 30 minutes to complete Step 3. Your presentation back to plenary should be no longer than a 5-minute summary.





Handout: Matrix Template – Barriers for Persons with Disabilities

Age Range	Men	Women	Other Gender
16-25			
26-45			
46-65			
65+			

Handout: Good Practices in Promoting Employment of Persons with Disabilities



Below are some of the tips and ideas that have been identified and used in promoting the employment of persons with disabilities.

- ▶ Raise general society awareness of the work potential and right to employment of persons with disabilities through understanding the policy environment, identifying the most effective strategies for raising awareness, and through providing support and training to enable employers to recognize the potential of persons with disabilities.
- ▶ Raise awareness among potential employers and provide information to them on disability inclusion and the benefits of a diverse workforce.
- ▶ Devise specific disability-inclusive recruitment strategies and encourage different employment sectors to recruit persons with disabilities.
- ▶ Set targets for employing persons with disabilities (a frequent affirmative action strategy used in the public and private sector in many countries) and monitor and evaluate the targets.
- ▶ Encourage persons with disabilities to apply.
- ▶ Ensure that candidates with disabilities are considered in the recruitment process by delaying job interviews until candidates with disabilities are short-listed.
- ▶ Invest in skills development to advance mainstream employment of persons with disabilities.
- ▶ Mobilization of persons with disabilities in training and awareness-raising directed at combatting disability discrimination in employment.
- ▶ Introduce technical support and job coaching as strategies for promoting and advocating for employment of persons with disabilities.
- ▶ Build relationships with employers and facilitate the acquisition of training of persons with disabilities to match the skills demanded.
- ▶ Support workers with disabilities in retaining employment through the use of existing support networks and ensuring ongoing support through job coaches and business mentors.



Handout - ILO Perspective: Reasons for Low Employment Rates for Persons with Disabilities

Based on reviews undertaken by the International Labour Organization, reasons given for low employment rates among persons with disabilities include:

- ▶ Negative stereotypes about a person's ability
- ▶ Fears of degenerative illness and time off
- ▶ Fears of negative attitudes of other staff or customers
- ▶ Concerns about low productivity rates
- ▶ Lack of job adjustment
- ▶ Lack of positive attitude to people with disabilities
- ▶ Low levels of education and training
- ▶ Declining demand for unskilled labour
- ▶ Reductions in the workforce of large enterprises and the public service
- ▶ Concern about accidents and insurance costs
- ▶ Reluctance of individuals to register as having a disability
- ▶ Lack of information on work opportunities
- ▶ Lack of disability-sensitive teaching staff and inaccessibility of teaching material and methods compound exclusion from educational achievement
- ▶ Lack of awareness among employers of needs and abilities of persons with disabilities
- ▶ "Benefits trap" - a situation in which an individual is financially better off staying on benefits, where they exist, than taking a job, taking into account all the financial implications;
- ▶ Fear of losing welfare benefits
- ▶ Discouragement due to experiences of failure in obtaining jobs and/or internalized negative images
- ▶ Lack of exposure to positive role models and mentors
- ▶ Inadequate technical/personal support
- ▶ No legislation to protect people with disabilities against employment discrimination

Session Sheet for the Trainer – The Right of Persons with Disabilities to Work, Session 2

	Key Messages	See the summary and key learning points.
	Objectives	By the end of this session, participants will have highlighted approaches to facilitating employment for persons with disabilities.
	Room Arrangement	Tables for small group work with 4-6 people. White boards with pins, paper, and cards.
	Activity	5 mins – Step 1 of Learning Activity 2.D 20 mins – Step 2 of LA 2.D. (Consultation Meetings) 20 mins – Step 3 of LA 2.D. (Plenary Role Play (x2)) 15 mins – Step 4 of LA 2.D 30 mins – Plenary summary and wrap-up
	Duration	90 minutes
	Notes for a Training Team	<p>Ask for four volunteers to play the roles described in the scenarios (one employer and one employee for each role play). Divide the rest into four groups. These groups are to be consulting groups and follow the directions on the Learning Activity 2.D task sheet.</p> <p>Do not let anyone apart from the role players see the brief. The key is that the two role players in each scenario are not fully aware of the issues. Ensure that the plenary conversation highlights the keys to successful facilitation of employment of people with disabilities.</p> <p>While the groups are preparing Step 1, brief the role players on what is expected of them, but do not let them know what information the other role players have.</p> <p>During the summary discussion, give a brief input on the difference between universal access and reasonable accommodation.</p>
	Task Sheets	Learning Activity 2.D.: Facilitating Employment for Persons with Disabilities
	Handouts	Handout: Scenarios (4)



Handout - Scenario One (a): Highlighting Accessibility Issues

You are playing the role of a new employee with reduced mobility. You have won the position of accounts clerk in a small private company (60 employees). You have been working with the company for three weeks.

On the first day that you reported for work you had to stay with security personnel for three hours because there was no office at ground level where they could accommodate you. Ultimately they decided to give you the rest of the day off so that they could vacate someone in order to give you a workstation. When you reported on the second day, you discovered that they had vacated one of the offices downstairs for you to use, whereas the accounts department that you are working with and reporting to is on the first floor. There is no lift to get you there. Therefore you have had to struggle along by always sending messengers to and fro with your work. This situation is not a comfortable position because you have to be overly nice to people in order to obtain assistance and to ensure effectiveness and efficiency in your work. However you were willing to put up with it, until today when you found out that it was the Accountant's birthday and they had organised a cake and a small celebration at lunchtime in her office. No one told you about it and you were not invited. Although people are very nice and friendly to you when they see you, you actually feel very alone; you like the work and know it's hard to get a job, but when you go home you feel like crying; it's stupid, you can't complain because they did not invite you to the party, but you don't think you will ever fit in and be a real part of the team.

Today you are going to meet with a new consultancy in town that help to facilitate employment for people with disabilities. Ask them for their advice. what do you want to do?



Handout: Scenario One (b): Highlighting Accessibility Issues

Role player: HR Officer

You work for a private company that has 60 employees. The company is based on the outskirts of town, and has a building that combines both production and office staff including HR, accounts and sales.

The company is small but growing, you were promoted this year to head of HR, and have one assistant working for you. The accounting department is also small, and apart from the Chief accountant there are three other staff - oh, and of course, the new employee, well s/he is not *really* part of the team, s/he just does some of the reconciling and general clerical duties. You had almost forgotten about her/him, because s/he is downstairs and all the office staff are mainly upstairs, downstairs is for production. You had hoped they would try and fit in, but they seem very private and don't join in much. Tomorrow you have a meeting with them to see how they are settling in as a part of their induction and orientation process. You designed the on-boarding process yourself and are very pleased that you manage to meet every single new start at least once during their first month. You have decided today to go and visit a consulting company in town that helps facilitate the employment of people with disabilities, because you have a feeling that something is just not right...



Handout: Scenario Two (a): Highlighting Accessibility Issues

You are playing the role of someone who uses a wheelchair and employed by the local government and stationed at a local service office.

The Situation

You got this job three months ago, all offices were housed in park homes. One park home was utilized for bathroom facilities, but had no accessible entrance at all. As a result you could not access the bathroom when you were at work. After a couple of weeks you raised this as an issue at work.

In response, 6 weeks ago your duty station was changed to one that has an accessible bathroom. However this has not improved the situation, in fact it has made matters a lot worse, because you use a wheelchair, you are assisted by a helper to wheel you to work. However, on rainy days the road leading to the office is so muddy that you cannot get to work, the office is further from your home and with your helper it now takes nearly 2 hours to get to work and home again each day. Your helper is not happy with the big change and sometimes arrives late to collect you and when it is wet he sometimes does not come at all. You have not told your supervisor this because you don't want to seem like a problem.

Tomorrow you will have the first proper one-to-one meeting with your supervisor, so today, as it is raining again, you decide to go and get some advice from the new consulting group who help to facilitate employment for people with disabilities.



Handout: Scenario Two (b): Highlighting Accessibility Issues

The Situation

This person got a job three months ago, but in a different office. All offices were housed in park homes. One park home that was utilized for bathroom facilities, but had no accessible entrance at all. As a result the person could not access the bathroom when s/he was at work. After a couple of weeks you heard that s/he had complained and so s/he was moved to your team.

The Supervisor

You are playing the role of a supervisor. In a local government office and are stationed in a local service office. Six weeks ago you were told you have to take this person that uses a wheelchair into your team. You don't really have any complaints about the person's work, but s/he is just not reliable, is often late for work and sometimes does not even bother to come at all. You dare not say anything because you are worried that s/he will complain that you are against people with disabilities at work, which in general you are not, but this person just seems either lazy or not interested and you cannot rely on him/her.

Tomorrow is your first proper one to one meeting with him/her since s/he arrived, so you have decided today to go and seek some advice from the new consulting group that helps facilitate the employment of people with disabilities, to see how to start proceedings to get rid of someone that is just not reliable.

