**International Disability Alliance (IDA)**

Down Syndrome International, Inclusion International,

International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the Deaf Blind, World Network of Users and Survivors of Psychiatry, Arab Organization of Persons with Disabilities, European Disability Forum, Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families (RIADIS), Pacific Disability Forum

**IDA submission on draft General Comment on Article 7, ICESCR**

**The right to just and favourable conditions of work of persons with disabilities**

The International Disability Alliance (IDA) is a network of seven global and four regional organisations of persons with disabilities and their families (DPOs), representing the estimated one billion persons with disabilities worldwide. Founded in 1999, as a network of international disability rights organisations, a unique composition, that allows IDA to act as an authoritative and representative voice of persons with disabilities in the United Nations (UN) system in New York, Geneva and worldwide. IDA’s advocacy seeks to advance human rights utilising the Convention on the Rights of Persons with Disabilities (CRPD) and other human rights treaties, harnessing the strengthened united voice of its members, forging working relationships with partners to achieve common goals inclusive of persons with disabilities worldwide.

For all individuals, working is a key element towards ensuring subsistence, combating poverty, achieving inclusion and participation in society, as well as building one’s identity. For persons with disabilities in particular, their effective participation in the open labour market is dependent on the conditions of work and whether they are inclusive and accessible to them.

IDA welcomes the draft of General Comment on Article 7 of the Committee on Economic, Social and Cultural Rights (*hereinafter “*the Committee”) as well as the initiative to hold a half day of general discussion at its next session on the right to just and favourable conditions of work. IDA encourages the Committee to undertake the drafting and adoption of this General Comment fully taking into account the rights of persons with disabilities as advanced in this present submission which refers to the jurisprudence of the Committee on the Rights of Persons with Disabilities (CRPD Committee), in particular Article 27 of the CRPD on the right to work. The annex to this submission highlights suggested language and edits to the text of the draft General Comment for the Committee’s consideration.[[1]](#footnote-2)

**Challenges faced by persons with disabilities to just & favourable conditions of work**

It is estimated that 15% of the world’s population is made up of persons with disabilities.[[2]](#footnote-3) It has been documented that in both developed and developing countries, persons with disabilities of working age experience significantly lower employment rates and much higher unemployment rates than persons without disabilities. And that lower rates of labour market participation are one of the important pathways through which disability may lead to poverty. Recent figures indicate that less than half of persons with disabilities of working age were economically active compared to one in five of their non-disabled peers of working age.[[3]](#footnote-4)

Persons with disabilities are impeded in their employment due to lack of access to education and training, inaccessible information, infrastructure and work environments, the absence of reasonable accommodation in workplaces, discriminatory laws and policies, including denial or restriction of legal capacity, and negative attitudes and stereotypes on the part of the State, employers and the general public which deem persons with disabilities as less productive or unfit for work in the open labour market.

In many jurisdictions across the world, disability classifications automatically deny some groups of persons with disabilities of their right to work, or restrict the field or sector of employment which one is permitted to work within, regardless of the individual’s preferences, interests and skills. Very often the only option available for “work” for persons with disabilities is within segregated employment settings, such as sheltered workshops, which commonly entail lower work output than that expected in the open labour market, with either no remuneration or at a rate which is lower than the minimum wage, whose working arrangements do not adhere to labour laws, lacking skills building relevant for the open labour market, and which demonstrate a failure toward transitioning into the open labour market.[[4]](#footnote-5)

**CRPD and treaty body standards on the right to just & favourable conditions of work**

Article 27 of the CRPD addresses these barriers and upholds the right of persons with disabilities to work, recognising that this 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, and sets out a non-exhaustive list of appropriate steps for States parties to take, including through legislation, to safeguard and promote the realisation of the right to work, including for those who acquire a disability during the course of employment.[[5]](#footnote-6)

In particular, Article 27(1)(b) requires States parties to protect 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, as well as safe and healthy working conditions, including protection from harassment and redress from grievances.

*Equal opportunities*

In order to ensure that persons with disabilities enjoy and exercise their right to work on an equal basis with others, States are obliged to create an enabling and conducive environment for employment through guaranteeing non-discrimination including protection against discrimination by association, providing accessible work environments and reasonable accommodation,[[6]](#footnote-7) as well as adopting positive measures. All of these imply the removal of barriers both in law and policy as well as barriers in workplaces, the explicit recognition in the law that the denial of reasonable accommodation in the workplace constitutes disability-based discrimination in employment, as well as the adoption of specific measures and programs to ensure both public and private sector employment of persons with disabilities.

Almost all CRPD Committee Concluding Observations to date call for accessibility of the workplace and the provision of reasonable accommodation in the workplace, and some explicitly call for allocation of necessary budget for such accommodations in the public and private sectors. References to accessibility in employment are less numerous in the recommendations of CESCR Committee and it is encouraged that the Committee make increasing references to States Parties in dialogues and ensuing recommendations on the obligation for States to ensure accessible workplaces and environments including both physical accessibility and accessibility of information and communications of work processes (through sign language, Braille, accessible electronic formats, alternative script, and augmentative and alternative modes, means and formats),[[7]](#footnote-8) as well as trade union and labour rights, and grievance and accountability mechanisms in order for persons with disabilities to participate on an equal basis with others in collective bargaining and in seeking remedies to uphold just and favourable conditions of work.

Concerning reasonable accommodation, while there is a general view that the accommodations which persons with disabilities require will be too costly or difficult to provide, this is a misconception: research by the US Department of Labour, Office of Disability Employment Policy found that 56 per cent of employers who gave information related to the cost of accommodations said that the accommodations needed by their employees were completely free of cost.[[8]](#footnote-9) With a view to correcting misconceptions, States have the responsibility to inform employers of their duties to provide reasonable accommodation, to raise awareness on the concept among employers, trade unions and persons with disabilities, and to provide technical assistance on how to transform the provision into practice. The significance of reasonable accommodation to ensure effective participation of persons with disabilities in the open labour market on an equal basis with others has also been recognised and recommended by other treaty bodies, including the CESCR and CEDAW Committees.[[9]](#footnote-10)

*Equal remuneration for work of equal value*

Due to stigma and stereotypes that persons with disabilities are less productive or unfit for work, their activity is undervalued and their employment commonly comes at a lower wage. Segregated work environments, such as sheltered workshops,[[10]](#footnote-11) generally do not pay a salary which is equivalent to the minimum wage, with some workers receiving supplements and subsidies through disability pensions (which may or may not reach the minimum wage). Persons with disabilities working in the open labour market may also earn a sub-minimum wage on account of policies or legislation which permit exemptions to the minimum wage, in some cases on the basis of work productivity assessments – both of which are discriminatory measures.[[11]](#footnote-12)

The CRPD Committee has recommended against the exemptions to the minimum wage[[12]](#footnote-13) and the use of such work productivity assessments,[[13]](#footnote-14) as well as the phasing out of and elimination of sheltered workshops and the promotion of employment of persons with disabilities in the open labour market, including through establishing incentives for employers which are in line with the principles and provisions of the CRPD.[[14]](#footnote-15) This echoes the CESCR Committee’s own jurisprudence that the right to work is violated when the only option available is segregated work settings, and that “States parties must take measures enabling persons with disabilities to secure and retain appropriate employment and to progress in their occupational field, thus facilitating their integration or reintegration into society”.[[15]](#footnote-16)

*Safe and healthy working conditions and environments*

Accessibility, universal design, the provision of reasonable accommodation are essential features of safe and healthy working conditions and environments for workers with disabilities, and commonly serve as pre-requisites to their employment on an equal basis with others. While both public and private employers need to take steps to ensure accessible work environments in a progressive manner, and to ensure the provision of reasonable accommodation with immediate effect, further steps could be envisaged for increased accessibility of working environments leading to greater inclusion.

Public procurement plays a significant role in promoting accessibility. The CRPD Committee stated clearly in General Comment no 2 on accessibility, that:

“States parties must also consider their laws on public procurement to ensure that their public procurement procedures incorporate accessibility requirements. It is unacceptable to use public funds to create or perpetuate the inequality that inevitably results from inaccessible services and facilities. Public procurements should be used to implement affirmative action in line with the provisions of article 5, paragraph 4, of the Convention in order to ensure accessibility and de facto equality for persons with disabilities.”[[16]](#footnote-17)

To this end, the CESCR Committee could call on States to adopt laws and policies on the procurement of accessible goods and services to ensure increasingly accessible environments which also represent working environments within the public sector. Along with the obligation to ensure that public money does not perpetuate new inequalities, it is important to emphasise the need to regulate the private sector through public procurement policies and bid specifications to comply with accessibility standards or by obliging bidding companies to have inclusive employment strategies for persons with disabilities, in particular given that the private sector is an important pillar of public procurement and the growing trend towards privatisation.[[17]](#footnote-18)

*Women*

IDA commends the Committee’s attention to women throughout the draft text, as well as its attention to persons with disabilities. While aware that the General Comment must be limited in words and pages, IDA nevertheless calls on the Committee to have greater attention to women with disabilities who face multiple discrimination in their employment based on the intersections of gender and disability as well as other layers of their identity which place them at a higher risk of infringement of the enjoyment and exercise of their rights.[[18]](#footnote-19) Commonly, the policies aiming to promote employment and better working conditions for women, and those concerning persons with disabilities overlook the particular cases of women with disabilities who fall through the cracks and remain invisible and thus continue to be marginalised in their rights. Where data is available on employment disaggregated by gender and disability, women with disabilities are consistently underrepresented in comparison with both men with disabilities and non-disabled women. While many of the challenges faced by women with disabilities also impact upon women in general, such as harassment in the workplace and lower pay for work of equal value, women with disabilities face additional barriers which render them doubly disadvantaged in working life; for example, difficulty of securing employment, extra disability-related costs and lack of control over their own property or money due to laws on legal capacity.[[19]](#footnote-20) The CRPD Committee has consistently made recommendations to promote access to employment by women with disabilities,[[20]](#footnote-21) as has the CEDAW Committee.[[21]](#footnote-22)

In addition, given the role of women as primary carers as highlighted and addressed in the draft text, women who are mothers or caregivers of children or adults with disabilities should benefit from conditions of work which permit them to balance their work with caregiving responsibilities, such as flexible working arrangements, and adequate social protection programmes to ensure that employment does not have to be forfeited. Protections against discrimination in the workplace extend by way of association to discriminated groups as recognised by the European Court of Justice in *Coleman*.[[22]](#footnote-23) The CRPD Committee has elaborated its interpretation of non-discrimination to include protection of discrimination by association,[[23]](#footnote-24) and the CESCR Committee’s General Comment no 20 on non-discrimination also explicitly includes as a prohibited ground “association with a group characterised by one of the prohibited grounds (e.g. the parent of a child with a disability).”[[24]](#footnote-25)

*Social protection*

Related to this last point, just and favourable working conditions for persons with disabilities also entail ensuring that persons with disabilities continue to receive support for their disability-related expenses regardless of their employment, to ensure, on the whole, an adequate standard of living taking into account one’s overall income from work as well as that derived from disability benefits and social protection schemes. In many countries, the system of social benefits for persons with disabilities is arranged in a way which acts as a disincentive for persons with disabilities to enter into formal employment and social security provisions can in themselves become a “benefit trap” leading to low labour force participation. It is therefore important to unbundle disability-related benefits from unemployment benefits or minimum existence benefits. When a person with a disability moves towards employment, he/she would lose the latter ones, but should maintain the disability-related benefit.

The Committee is encouraged to continue to engage States on establishing social protection systems which are inclusive of persons with disabilities and which ensure and facilitate their transition into employment without prejudice.[[25]](#footnote-26) For example, in some countries, by obliging employers to provide occupational health services, reintegration and employment support and work incentives, has encouraged persons with disabilities to enter employment. Similarly, bridging arrangements and transitional arrangements allow persons with disabilities who take up work to retain benefits until a certain wage threshold is reached, to return to receiving benefits without delay should they lose their jobs, and to retain their right to benefits in kind – such as health care – for a specified period.[[26]](#footnote-27)

**ANNEX**: Proposed revisions to draft General Comment on Article 7, ICESCR

- newly proposed language is highlighted in yellow and underlined

26. In keeping with the broad scope of article 7, the minimum wage should apply systematically, protecting as much as possible the fullest range of workers, including workers in vulnerable situations such as workers with disabilities, domestic workers, migrant workers, agricultural workers as well as workers in the informal sector. The minimum wage might apply generally or differ across sectors, regions, zones and professional categories so long as the wages apply without direct or indirect discrimination and ensure a decent living. Legislation or policies permitting exemptions from the minimum wage should be prohibited and repealed. In setting minimum wages at sector or industry level, the work performed in sectors predominantly employing women, persons with disabilities, minorities or foreign workers, should not be undervalued compared to work in sectors predominantly employing men, non-disabled persons or nationals. It is particularly important to ensure that job evaluation methods used to align or adjust sectoral or occupational minimum wage schemes is not inherently discriminatory.

27. The failure to respect the minimum wage should be subject to penal or other sanctions. Appropriate measures, including effective labour inspections, are necessary to ensure the application of minimum wage provisions in practice. States parties should provide adequate information on minimum wages in relevant languages and dialects as well as in accessible formats for workers with disabilities and illiterate workers. Placing information on notice boards placed prominently in the work place such as the collection point for wages, or circulating information electronically in accessible format should be considered to ensure all employees have access ~~is appropriate~~.

**Article 7(b): Safe and healthy working conditions**

28. Preventing occupational accidents and disease, as well as ensuring accessibility of the workplace ~~is a~~ are fundamental aspects of the right to just and favourable conditions of work and closely related to other Covenant rights, in particular the right to non-discrimination and the highest attainable level of physical and mental health. States parties should adopt a national policy for safe and healthy working conditions which include accessibility, the prevention of accidents and work-related health injury by minimizing hazards in the working environment and ensuring broad participation in its formulation, implementation and review, in particular of workers and employers and their representative organizations. While full prevention of occupational accidents and diseases might not be possible, the human and other costs of not taking action far outweigh the financial burden on States parties for taking immediate preventative steps that should be increased over time.

29. The national policy should cover all branches of economic activity including the formal and informal sectors and all categories of workers. It should take into account specific risks to the safety and health of female workers, for example in case of pregnancy, as well as the specific needs of workers with disabilities and stipulate that denial of reasonable accommodation amounts to discrimination. Public procurement policies should systematically include criteria and conditions of accessibility and universal design to ensure that safe, healthy and inclusive working conditions and environments.

30. The policy should address at least the following areas: design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, work processes, tools, machinery and equipment, as well as chemical, physical and biological substances and agents); the relationship between the main elements of work and the physical and mental capacities of workers, including their particular accessibility and ergonomic requirements; training of relevant personnel; and protection of workers and representative organizations from disciplinary measures when they have acted in conformity with the national policy, such as in response to imminent and serious danger.

32. The policy should incorporate appropriate monitoring and enforcement provisions including effective investigations, and provide adequate penalties in case of violations. Workers affected by a preventable occupational accident or disease should have a right to a remedy, including access to accessible and appropriate grievance mechanisms, such as courts, to resolve disputes. In particular, States parties should ensure that workers suffering from an accident or disease, and where relevant, their dependents, receive adequate compensation, including for costs of treatment, loss of earnings and other costs, as well as access to rehabilitation services.

**Special topics of broad application**

 The right to just and favourable conditions of work for specific groups

(i) *Women workers*: In the experience of the Committee, progress on the three key interrelated indicators for gender equality in the context of labour rights – the ‘glass ceiling’, the ‘gender pay gap’ and the ‘sticky floor’ - remain far from satisfactory. In addition, the absence of a life-cycle approach regarding the needs of women results in accumulated disadvantages that can have a negative impact on all Covenant rights, including the right to just and favourable conditions at work. The Committee therefore underlines the importance of achieving equality between men and women in relation to all aspects of the right. Particular attention is needed to achieve equal remuneration for work of equal value as well as equal opportunity for promotion, including through the introduction of temporary special measures. Any assessment of the value of work must avoid gender stereotypes that could undervalue work predominantly performed by women. States parties should take into account the different requirements of male and female workers. For example, specific measures might be necessary to protect the safety and health of pregnant workers in relation to travel or night work. Given the role of women as primary carers, day care services in the work place and flexible working arrangements can help women to enjoy the same conditions of work as men in practice. Further, intersectional barriers faced by women in employment on account of their gender and other identities, such as disability, minority or migrant status, should be recognised and addressed. Workers benefiting from gender-specific measures should not be penalized in other areas. On a broader level, States parties must also undertake measures to address traditional roles and options as well as other structural obstacles that perpetuate inequalities between men and women.

(iii) *Workers with disabilities*: At times, they require specific measures to enjoy the right to just and favourable conditions of work on an equal basis with others. In particular, their safety and health require accessibility, universal design, and other measures in the work place and an individual with a disability should not be denied reasonable accommodation in this regard, for example, additional daily rest periods, flexible working arrangements, or time to take medication. Workers with disabilities should also be employed in inclusive work settings in the open labour market and enjoy equal remuneration for work of equal value and should not suffer wage discrimination due to a perceived reduced capacity for work. In particular, workers with disabilities should be entitled to the minimum wage and all exemptions to the minimum wage, whether based on perceived or assessed productivity, classification of one’s impairment, or legal capacity status, should be prohibited. Furthermore, States Parties should prevent disincentives to entry into employment by ensuring that employment of workers with disabilities does not result in discontinuation of social protection benefits which address disability related concerns and expenses.

**Specific legal obligations**

57. Like other human rights, the right to just and favourable conditions of work imposes three levels of obligations on States parties. First, State parties have an obligation to respect the right by refraining from interfering directly or indirectly with its enjoyment and this is particularly important where the State is the employer. For example, States parties should not introduce salary scales that discriminate, directly or indirectly, against women workers or workers with disabilities, or maintain a promotion system in the public sector that favours, directly or indirectly, the over-represented gender at higher levels. Similarly, States parties should take measures to enforce accessible work environments, prevent and remedy occupational accidents and disease resulting from their acts or omissions. States parties should also respect collective agreements aimed at introducing and maintaining just and favourable conditions of work and review legislation, including corporate laws and regulations to ensure that they do not constrain the right.

58.The obligation to protect requires States parties to take measures to ensure that third parties, such as private sector employers and enterprises, do not interfere with the enjoyment of the right and comply with their obligations. This includes taking steps to prevent, investigate, punish and redress abuse through effective policies, legislation, regulations and adjudication. For example, obligations of business enterprises to respect the right to just and favourable conditions of work should de clearly set out by States parties in laws, policies and regulations, such as a national occupational safety and health policy, national accessibility plan or strategy, or legislation on minimum wage and minimum standards for working conditions. States parties should impose sanctions and appropriate penalties on third parties, including adequate reparation, criminal penalties, pecuniary measures such as damages, and administrative measures, in case of violation of any of the elements of the right. State parties should ensure that the mandates of labour inspectorates and other investigation and protection mechanisms cover conditions of work in the private sector and provide guidance to employers and enterprises. Measures to protect should also cover the informal sector and certain workers, such as domestic workers, may require specific measures.

59.The obligation to fulfil requires States parties to adopt the necessary measures to ensure the full realization of the right to just and favourable conditions of work. This includes introducing measures to facilitate, promote and provide the right.

60.In order to facilitate the right, States parties should adopt positive measures to assist workers by according sufficient recognition of the right through laws, policies and regulations, for example, on non-discrimination including reasonable accommodation, a non-derogable minimum wage, accessibility, occupational safety and health, compulsory insurance coverage, minimum standards for rest, leisure, limitations on working hours, paid annual and other leaves, as well as public holidays. States parties should also introduce quotas or other temporary special measures to enable women and other members of discriminated groups, such as persons with disabilities and persons belonging to ethnic minorities, to reach high level posts and provide incentives for the private sector to do so.

61.To help assess the enjoyment of the right, States parties should establish obligatory notification schemes in case of occupational accidents and disease as well as mechanisms to assess systematically accessibility of work environments, the provision and denial of reasonable accommodation, the level of the minimum wage, fair wages, and the gender pay gap between men and women within organizations in the public and private sectors, including in high level posts. States parties should also review the impact of laws, policies and regulations at appropriate intervals, in consultation with workers and employers, with a view to updating standards in light of practice. For example, the national policy on occupational safety and health and accessibility of the workplace should include a built-in periodic review mechanism. States parties should create incentives for extension of protective regimes to sectors in risk; introduce schemes that allow for coverage of informal workers coupled with measures to regularise the informal sector; create adequate dialogue mechanisms to raise pertinent issues; introduce incentives to overcome the gender pay gap, including through initiatives to alleviate the burden of reproductive work on women, for example, by promoting access to goods and services, such as day care facilities and non-transferable parental leave for men.

62.In order to promote the right, State parties should take steps to ensure appropriate education, information and public awareness. With a view to creating equal opportunities for workers to advance in both the private and public sectors, States parties should put in place training programmes and information campaigns in relevant languages including sign languages and in accessible formats for persons with disabilities and illiterate workers. Attention should be paid to the need for gender-sensitive and disability informed training on accessibility needs and occupational health and safety of workers.

63.States parties must also provide aspects of the right when workers are unable to realize the right themselves. For example, the State should ensure the adaptation of the work place or of working equipment for persons with disabilities in the public sector, including through adoption of accessible and inclusive criteria for public procurement, and provide incentives for the private sector to do so. States could establish non-contributory social security programmes for certain workers, such as workers in the informal sector, to provide benefits as well as protection against accidents and disease at work.

**Core obligations**

64.States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of the right to just and favourable conditions of work. Specifically, this requires States parties to:

1. Guarantee through law the exercise of the right without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age, sexual orientation, gender identity, health or any other status;
2. Put in place a comprehensive system to combat gender discrimination at work including intersectional discrimination based on gender and other grounds such as disability, minority or migrant status, as well as discrimination by association;
3. Establish in legislation and in consultation with workers and employers, their representative organizations and other relevant partners, minimum wages that are non-discriminatory and non-derogable, fixed taking into consideration relevant economic factors and indexed to the cost of living so as to ensure a decent living for workers and their families;
4. Ensure, in law and practice, equal remuneration for equal work;
5. Adopt a comprehensive national policy on accessibility, occupational safety and health;
6. Define and prohibit harassment, including sexual harassment at work through law, ensure accessible appropriate complaints procedures and mechanisms and establish criminal sanctions for sexual harassment;
7. Introduce and enforce minimum standards in relation to rest, leisure, reasonable limitation of working hours, paid leaves and public holidays.
1. For further information, please contact vlee@ida-secretariat.org [↑](#footnote-ref-2)
2. World Health Organization and the World Bank, World Report on Disability, 2011, p 29 available at http://whqlibdoc.who.int/publications/2011/9789240685215\_eng.pdf [↑](#footnote-ref-3)
3. Sickness, disability and work: breaking the barriers. A synthesis of findings across OECD countries. Paris, Organisation for Economic Co-operation and Development, 2010, cited in World Health Organization and the World Bank, World Report on Disability, 2011, p 237 available at http://whqlibdoc.who.int/publications/2011/9789240685215\_eng.pdf [↑](#footnote-ref-4)
4. See OHCHR thematic study on the work and employment of persons with disabilities, A/HRC/22/25, December 2012, para 16 [↑](#footnote-ref-5)
5. *ibid* [↑](#footnote-ref-6)
6. The definition of reasonable accommodation under Article 2 states that : "Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms; see also Articles 5(3), 27(1)(i) of the CRPD. [↑](#footnote-ref-7)
7. CRPD Committee General Comment no 2 on accessibility, CRPD/C/GC/2, para 41 [↑](#footnote-ref-8)
8. See Job Accommodation Network, “Workplace Accommodations: Low Cost, High Impact,” Accommodation and Compliance Series, Updated 09/01/11, cited in OHCHR thematic study on the work and employment of persons with disabilities, A/HRC/22/25, December 2012, para 33 [↑](#footnote-ref-9)
9. CESCR Committee Concluding Observations on China, E/C.12/CHN/CO/2, para 18; Uzbekistan, E/C.12/UZB/CO/2, para 10; Armenia, E/C.12/ARM/CO/2-3, para 12, Paraguay, E/C.12/PRY/CO/4, para 17;

CEDAW Committee Concluding Observations on Hungary, CEDAW/C/HUN/CO/7-8, paras 28-29 [↑](#footnote-ref-10)
10. Also known as work centres, social enterprises, disability enterprises, c*entre d’aide par le travail, établissement et service d'aide par le travail, enterprise adaptée*, *atelier protégé*, *trabajo protegido*, *empleo protegido*, *taller protegido*, *centros especiales de empleo*, etc [↑](#footnote-ref-11)
11. For example, the Business Services Assessment Tool in Australia which was criticised by the CRPD Committee and recommended to be immediately discontinued ; CRPD Committee Concluding Observations on Australia, [CRPD/C/AUS/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnzSGolKOaUX8SsM2PfxU7tjZ6g%2fxLBVYsYEv6iDyTXyNk%2bsAB%2fHgrVpAKHcEYTB%2b1t%2fH3HX1F%2f%2bo%2bk3O4KhxfiKAJSqUxhKQWsZDFEBoxAb), para 50 [↑](#footnote-ref-12)
12. CRPD Committee Concluding Observations on New Zealand, [CRPD/C/NZL/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsl0TAZAFn%2fysap%2b9nlo7rkvRmNJ6uyxoc44CPcdshSIzpSxW%2bwhPoD0WnpuECahTAQtdCX5Yjd%2btcuc1aJHm%2fCQBiz4qXZd2vaDYn8RQsT7v), paras 57-58; Korea, [CRPD/C/KOR/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoxt94eoN8sNkD3vNzr%2bPXZtiTUZC2xkNs96PtQyIfVry6P%2b8CiWN9mJ%2fPvpi4kybwosx%2fNqU54wUxrhhxCOpHHjzBAqDiPeX63%2f00rhLm28), paras 49-50 [↑](#footnote-ref-13)
13. CRPD Committee Concluding Observations on Australia, [CRPD/C/AUS/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnzSGolKOaUX8SsM2PfxU7tjZ6g%2fxLBVYsYEv6iDyTXyNk%2bsAB%2fHgrVpAKHcEYTB%2b1t%2fH3HX1F%2f%2bo%2bk3O4KhxfiKAJSqUxhKQWsZDFEBoxAb), para 49 [↑](#footnote-ref-14)
14. CRPD Committee Concluding Observations on Germany, CRPD/C/DEU/CO/1, para 50; Croatia, CRPD/C/HRV/CO/1, para 42; Czech Republic, CRPD/C/CZE/CO/1, para 52; Korea, [CRPD/C/KOR/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoxt94eoN8sNkD3vNzr%2bPXZtiTUZC2xkNs96PtQyIfVry6P%2b8CiWN9mJ%2fPvpi4kybwosx%2fNqU54wUxrhhxCOpHHjzBAqDiPeX63%2f00rhLm28), paras 49-50 ; New Zealand, [CRPD/C/NZL/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsl0TAZAFn%2fysap%2b9nlo7rkvRmNJ6uyxoc44CPcdshSIzpSxW%2bwhPoD0WnpuECahTAQtdCX5Yjd%2btcuc1aJHm%2fCQBiz4qXZd2vaDYn8RQsT7v), para 58; Denmark, [CRPD/C/DEN/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrxgrMqyLrvLrl%2f6hod6mnZ5w6Or5OgmaXjKC%2bkJbNwXf58Tuqzhdo7nnm2ksXJYLVUELVMje6X74w4dYLO91T3MF2yjjZ3dOHZcQMi%2f4SKe), para 59 ; Austria [CRPD/C/AUT/CO/1](http://www.ohchr.org/Documents/HRBodies/CRPD/10thSession/CRPD-C-AUT-CO-1_en.doc), para 47 ; Hungary, CRPD/C/HUN/CO/1, para 44; Peru, [CRPD/C/PER/CO/1](http://www.ohchr.org/Documents/HRBodies/CRPD/7thsession/CRPD.C.PER.CO.1-ENG.doc), para 41 [↑](#footnote-ref-15)
15. CESCR Committee General Comment no 18 on the right to work, E/C.12/GC/186, para 17 [↑](#footnote-ref-16)
16. CRPD Committee, General Comment No 2 on accessibility, CRPD/C/GC/2, 11 April 2014, para 32 [↑](#footnote-ref-17)
17. The European Union, which is a party to the CRPD, in 2004 revised its rules on public procurement and included provisions on accessibility and employment of persons with disabilities. See General Directive on public supplies, works and services (2004/18/EC) and Utilities Directive, covering energy (electricity, gas heat), water, transport (including airports and harbours) and postal services (2004/17/EC). See also European Disability Forum Guidance Paper on Implementation of EU Public Procurement Directives, Doc EDF 04/09. [↑](#footnote-ref-18)
18. See [IDA submission on women and girls with disabilities](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/IDA%20submission%20for%20CRPD%20Committee%27s%20general%20discussion%20on%20women%20and%20girls%20with%20disabilities.final_0.doc) to CRPD Committee half day of general discussion on women and girls with disabilities, 2013 [↑](#footnote-ref-19)
19. OHCHR thematic study on the work and employment of persons with disabilities, A/HRC/22/25, December 2012, para 24 [↑](#footnote-ref-20)
20. CRPD Committee Concluding Observations on Germany, CRPD/C/DEU/CO/1, para 50; Croatia, CRPD/C/HRV/CO/1, para 10; Czech Republic, CRPD/C/CZE/CO/1, para 52; Mongolia, CRPD/C/MNG/CO/1, para 12; Korea, [CRPD/C/KOR/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoxt94eoN8sNkD3vNzr%2bPXZtiTUZC2xkNs96PtQyIfVry6P%2b8CiWN9mJ%2fPvpi4kybwosx%2fNqU54wUxrhhxCOpHHjzBAqDiPeX63%2f00rhLm28), para 52; Demark, [CRPD/C/DEN/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrxgrMqyLrvLrl%2f6hod6mnZ5w6Or5OgmaXjKC%2bkJbNwXf58Tuqzhdo7nnm2ksXJYLVUELVMje6X74w4dYLO91T3MF2yjjZ3dOHZcQMi%2f4SKe), para 19; Mexico, CRPD/C/MEX/CO/1, para 52; Sweden, CRPD/C/SWE/CO/1, para 50; Australia, [CRPD/C/AUS/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnzSGolKOaUX8SsM2PfxU7tjZ6g%2fxLBVYsYEv6iDyTXyNk%2bsAB%2fHgrVpAKHcEYTB%2b1t%2fH3HX1F%2f%2bo%2bk3O4KhxfiKAJSqUxhKQWsZDFEBoxAb), para 50; Austria [CRPD/C/AUT/CO/1](http://www.ohchr.org/Documents/HRBodies/CRPD/10thSession/CRPD-C-AUT-CO-1_en.doc), para 47; El Salvador, CRPD/C/SLV/CO/1, para 46; Hungary, CRPD/C/HUN/CO/1, para 47; Spain, CRPD/C/ESP/CO/1, para 22; Tunisia, CRPD/C/TUN/CO/1, para 15 [↑](#footnote-ref-21)
21. CEDAW Committee Concluding Observations on Brunei Darussalam, [CEDAW/C/BRN/CO/1-2](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsmPYo5NfAsNvhO7uZb6iXOQ9IQNf5pYE3RWFKJE9ypgr%2fvjYwryZVEeG8l8fpV0D8yLEXvu2spdiWDbVFu8%2bj%2b79ESAgGhoXf2Oahljutv2Z), para 37(b); China, [CEDAW/C/CHN/CO/7-8](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoVqDbaslinb8oXgzpEhivhQ3NCi1e8470HGzJcswgVQFqmcLRIe5oHIlbXpXbb5sZQhK9Ry3t3ZUdaSlXBeGdYI3Fr37seMef8DXbC5jwZw), para 47; Solomon Islands, [CEDAW/C/SLB/CO/1-3](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskcAJS%2fU4wb%2bdIVicvG05RzyLkrk1UWA5C%2fZ6R1DFbySrbWXXWzNGLLOiDLyMHPMEnbZTqeNwymkJNtXdNcuDVCS6QLRLp2NtYrI7b950iIG), para 43; United Kingdom, [CEDAW/C/GBR/CO/7](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsldCrOlUTvLRFDjh6%2fx1pWB8bSlKfa34XmmIN3lG11hwWhjFqrEprJHQfoipZTwnVkhDALmzaR6gCklPapM2exR07H3AU7RBUaRoaFuhkiNY), para 47(c); Hungary, [CEDAW/C/HUN/CO/7-8](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgGIUyogsos8GkK8DnmVpyx4F%2fpep9eE7fo%2bAXwv2iRGyvEqbi5jM4EsCKoD2IGJvC990khI7EVClrV4j8z5a3yoh5v8bOCIiz9eqNmi420O), paras 17(b), 29(c); Serbia, CEDAW/C/SRB/CO/2-3, para 31(b); Moldova, [CEDAW/C/MDA/CO/4-5](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgOTxO5cLIZ0CwAvhyns%2byJSa5CPnqMH4emw8LzCHfUsndGT0rOm8c5pn9QDJ9zWORvppk29GAyEfv2YH%2fefHHYV15wFRM73Te2LXi4xtvaR), para 28(b); Finland, CEDAW/C/FIN/CO/7, para 27(b); Lithuania, [CEDAW/C/LTU/CO/5](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsvxlfhYepfIYmW0eRMA3oVtFpVnhvVGN%2fu2GT3aQrqeUj5G1U2sZHvrIBvKKM%2fQOdsL%2bHyQ2QCyRnp9wezXUpvut%2bhoEQJV57MHLlLjEOIT3), para 34(d); Georgia, [CEDAW/C/GEO/CO/4-5](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsldCrOlUTvLRFDjh6%2fx1pWDqKYdAsZCi%2fpTG5mONu7rLEgGDzc4uYj4EX9q0OwgEtztAerYJ0NdpVEHSESZXwGVBSGu0UKju%2fbfiY1zaPP1F), para 35(b) [↑](#footnote-ref-22)
22. In *Coleman*, the applicant who was directly discriminated against on the ground of disability was not herself disabled, but it was the fact of the disability of her child that led to her being treated less favourably than other employees in the workplace. The ECJ held that the general prohibition of discrimination on the basis of disability under the EU Framework directive applies not only to persons with disabilities but also to persons who are discriminated against because of their association with a disabled person. The ECJ recognised that the “purpose of the directive… is to combat all forms of discrimination on grounds of disability. The principle of equal treatment enshrined in the directive in that area applies not to particular category of person but by reference to the grounds mentioned in Article 1.” *Case C-303/06, S Coleman v Attridge Law and Steve Law*, Grand Chamber judgment of the European Court of Justice, 17 July 2008, para 38 [↑](#footnote-ref-23)
23. CRPD Committee Concluding Observations on Peru, 2012, CRPD/C/PER/CO/1, para 7(b)): Define denial of reasonable accommodation and discrimination by association as forms of disability-based discrimination; Spain, 2011, CRPD/C/ESP/CO/1, para 20: The Committee urges the State party to expand the protection of discrimination on the grounds of disability to explicitly cover multiple disability, perceived disability and association with a person with a disability, and to ensure the protection from denial of reasonable accommodation, as a form of discrimination, regardless of the level of disability. [↑](#footnote-ref-24)
24. CESCR Committee, General Comment no 20 on non-discrimination, 2 July 2009, E/C.12/GC/20, para 16 [↑](#footnote-ref-25)
25. Building on from recommendations “to revise the eligibility conditions and rates for social security benefits, including social assistance, while taking into account the actual cost of living in the State party, and paying particular attention to unemployed persons, persons with disability, and older persons”, CESCR Committee Concluding Observations on Slovenia, E/C.12/SVN/CO/2, para 18 [↑](#footnote-ref-26)
26. OHCHR thematic study on the work and employment of persons with disabilities, A/HRC/22/25, December 2012, para 62 [↑](#footnote-ref-27)