**Human Rights of Persons with Disabilities – Human Rights Council resolution 19/11**

**Answers to questions from the Office of the High Commissioner for Human Rights**

The Norwegian Government presented a Jobs Strategy in 2011, a targeted initiative to include more people in employment and reduce the number of benefit recipients. The aim is for more people with disabilities to gain employment. The Jobs Strategy gives answers to many of the questions from The Office of the High Commissioner, and we will refer to the Jobs Strategy under some of the questions. The Jobs Strategy will probably also give a lot of information in addition to the following answers. You will find the Jobs strategy attached, but also at this website:

<http://www.regjeringen.no/pages/35160671/AD_Jobbstrategi_ENGELSK.pdf>

1. **Detailed information on the measures adopted by your country to ensure that persons with disabilities have equal opportunities for productive and gainful employment in the open labour market (articles 4 (1) (a) and 27 (1)).**

A Jobs Strategy was presented by the Norwegian Government in 2011. With the Jobs Strategy the Government intends to bring about the conditions necessary to enable people with disabilities to exercise their rights and obligations as active participants in the labour market. The Government abides by the principles of social equality and universal design in its undertakings. Universal design of the physical environment implies equal accessibility for everyone in order that the mainstream solution is one that may be used by as many people as possible.

In the Jobs Strategy, the Government presents both an overarching strategic plan for enabling more people with disabilities to participate in the labour market, but also proposals for specific initiatives for 2012. The strategy is long term. Efforts under the strategy will be evaluated on an ongoing basis. The strategy has an explicit results-oriented focus.

In the Jobs Strategy, the Government sets out the orientation of efforts within the priority areas over the coming years. In this way, the strategy identifies initiatives and schemes that will be of strategic importance in reducing the barriers to employment faced by people with disabilities. Proposals for initiatives for 2012 break down into

various action areas that aim to make it easier for young people with disabilities to join and remain on the labour market.

The Norwegian Government is directing its efforts towards reducing four barriers that make it difficult for people with disabilities to enter the labour market: These four barriers are: a discrimination barrier, a cost barrier, a productivity barrier and an information and attitudinal barrier. These barriers affect both job-seekers and employers. Instruments covered by the strategy are geared to reducing these barriers.

The Jobs Strategy attaches importance to strengthening and supplementing ordinary and general initiatives in different areas of policy with more targeted labour market instruments to compensate for different types of disabilities. In the field of labour market policy, this might mean implementing different forms of workplace facilitation initiatives and supervisory schemes. The idea is that when various supplementary services or compensatory solutions are combined with general instruments such as the use of labour market initiatives, this increases the chances of more young people with disabilities joining the labour market.

Work on the Jobs Strategy has been widely informed by discussions with the National Disability Council of Norway and *between the ministries*. Two panels have been commissioned to submit proposals for initiatives: a panel of representatives of organizations for people with disabilities and a panel of labour market and business and industry representatives.

For more information about specific initiatives see pages 30 – 43 in the Jobs Strategy.

1. **Detailed information on the measures adopted to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities in the field of employment, as well as to eliminate discrimination on the basis of disability by private employers and enterprises (article 4 (1) (b), (d) and (e), and 27 (1) (a)).**

An Anti-Discrimination and Accessibility Act has been effective in Norway since 2009. The purpose of the Act is to promote equality and ensure equal opportunities for and rights to social participation for all persons regardless of disabilities and to prevent discrimination on the basis of disability.

The act prohibits indirect and direct discrimination on the grounds of disability in all areas of society including the work-sphere. The act prohibits discrimination on the basis of disability with regard to all matters concerning all forms of employment; recruitment, hiring, continuance of employment, career advancement and safe and healthy working conditions. The prohibition against discrimination relates to discrimination on the grounds of a present disability, assumed disability, past disability, possible future disability as well as discrimination of a person due to their relationship with a person with a disability.

The Anti-Discrimination and Accessibility act also contains separate provisions on accessibility. The provisions require that public and private undertakings that offer goods or services to the general public are obliged to ensure the universal design of the undertaking’s normal function provided this does not entail an undue burden for the undertaking. This covers the physical environment as well as the undertakings ICT services. In addition all employers shall, within reason, individually accommodate workplaces (including the physical environment) and tasks in order to ensure that employees or job-seekers with disabilities can obtain or retain a job, have access to training and other measures to develop their competence and can carry out and have an opportunity to advance in their work in the same way as other people.

A job applicant, who believes himself or herself to have been discriminated against, may demand that the employer provide information in writing concerning the education, work experience or other clearly ascertainable qualifications of the appointee for the post in question.

All employers in the private sector that regularly employ more than 50 employees and employers in the public sector shall make active, targeted and systematic efforts to promote the legislative purpose of the Act within their undertaking. The duty to make active efforts applies to fields such as recruitment, pay and working conditions, promotion, development opportunities and protection against harassment. Employee and employer organisations have a corresponding duty to make active efforts in their fields of activity.

The Anti-Discrimination and Accessibility Act is enforced by The Equality and Anti-Discrimination Ombud. Anyone affected can bring a claim to the Ombud. The law enforcement role of the Ombud includes making statements in connection with complaints regarding violations of laws and regulations that are within the working scope of the Ombud. The Equality and Anti-Discrimination Tribunal will try appeals based on the Ombuds statements. Parties may take the case to court if the Tribunal’s conclusion is not accepted.

The Equality and Anti-Discrimination Ombud is assigned responsibility for informing about national anti-discrimination legislation. In 2009 – 2010 the Ombud arranged a series of seminars to educate employers, employee and employers organisations and others on the Anti-Discrimination and Accessibility Act with specific attention paid to duty to make active efforts in the work-sphere.

1. **Information on the affirmative action programmes, incentives and other measures, if any, that your country has developed to promote employment opportunities for persons with disabilities in the public and private sector (articles 5 (4) and 27 (1) (e), (g) and (h)). Has your country adopted any measure to increase employment opportunities for persons with disabilities belonging to particularly vulnerable groups (for example young persons with disabilities, women with disabilities, persons with intellectual/psycho-social disabilities, (etc.)?**

The Jobs Strategy is also laid down in the IA Agreement, the tripartite agreement between the Government and the social partners towards a More Inclusive Working Life. Through the IA Agreement the Government and the social partners are working for a more inclusive working life for the benefit of the employees, the workplace and the society. Through the agreement, focus has been placed on reducing sickness absence and the use of disability pensions, increasing the retirement age and ensuring the recruitment of people with impaired age and ensuring the recruitment of people with impaired function capacity and other vulnerable groups to the employment market.

A central goal of the IA Agreement is to increase the rate of employment among people with disabilities through increased recruitment of job-seekers and by putting initiatives in place to prevent employees with disabilities from being excluded from working life. So far this goal has not been reached. Evaluations of the IA Agreement (2001-2009) however did not find that the agreement had resulted in increased employment among people with disabilities. The Jobs Strategy demonstrates the Government’s integrated approach to IA efforts. See answer to question 1) about the Jobs strategy.

Close private-public partnerships will be crucial to the success of the Jobs Strategy. For many young people with disabilities, it is important to be given the opportunity to try out their capacity for working and gain essential work experience. Consequently,

implementation of the strategy will require both labour market instruments capable of stimulating demand for people with disabilities and employers who are willing to take on the social responsibility of offering places on work-experience programmes and labour market programmes for the target group.

While 2 in 3 people with disabilities (or functional impairment) in the age-group 16-66 have completed upper secondary education, this is true of 3 in 4 of the general population. In selecting its main target group, the Government has decided to direct efforts at young people with disabilities who are in the transitional period from education to working life. The target group consists both of job-seekers who have

completed education or training and who are available for work, and people with disabilities who are long-term recipients of the work clarification allowance (transitional benefit pending clarification of working capacity). Education generally and higher education specifically are major determinants of whether people with disabilities are able to gain employment.

Giving priority to young people is informed by the principle that a good start in working life is the best foundation for a long and rewarding career.

1. **Information on measures your country has introduced to enable persons with disabilities to access general technical and vocational guidance programmes, placement services and vocational and continuing training (article 27 (1) (d)). Please also indicate the steps taken to promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities (articles 26 and 27 (1) (k)).**

Education generally and higher education specifically are major determinants of whether people with disabilities are able to gain employment. Prevention and early intervention are the main measures for boosting participation in education and working life and for reducing the transition to disability benefit in all age groups. Intensified efforts will be directed at ensuring that more people complete upper secondary education so that the transition from school to work is not hindered by a lack of qualifications. A central objective is to reduce the defection (‘drop-out’) rate from upper secondary education and training; see the ‘NY GIV’ project at local-government level to increase upper-secondary-level completion and more information about the initiatives in education and training at pages 38-39 in the Jobs Strategy.

Many studies have demonstrated that, on completing their education or training, young people with disabilities, who often have little or no work experience, generally encounter major barriers in the transition from education to employment. Increased use of work-experience programmes under both central and local government will serve to reduce uncertainty and lack of knowledge among employers about the target group and give more young people with disabilities an opportunity for on-the-job training and

essential work experience. 500 places on labour market programmes are earmarked specifically for the strategy’s target group.

In order to cover a proportion of the employer’s salary expenses on people with

disabilities, existing wage subsidy schemes will be made a key component of

employment-oriented services. At the NAV (The Norwegian Labour and Welfare Service) Inclusive Workplace Support Centres, there has been established dedicated workplace support coaches to further activities under the Jobs Strategy. The coaches will conduct outreach work, e.g. by assisting employers who wish to hire people from the strategy’s target group or offer them a place on a labour market programme. See more about specific initiatives at pages 30-37.

In Norway there are also labour market measures which are general offers to everyone – including persons with disabilities. **Labour market measures are one of the most important policy instruments aimed at promoting a well-functioning labour market. Labour market measures aim at contributing to increased participation in employment, reduced unemployment and combating exclusion by helping people with problems on the labour market to find work and become active.**

Labour market measures aim at improving the individual’s chances of finding employment through qualification and work training. The measures can be divided into the following categories: follow-up measures, job-finding measures, work experience, training, temporary jobs and work permanently adapted to the individual needs.

The prioritised target groups are people with impaired work capacity, the long-term unemployed, youth, long-term recipients of social security benefits, immigrants (including new arrivals taking the introduction programme), and people who are no longer entitled to ordinary unemployment benefit. Some measures are reserved people with impaired work capacity.

Labour market measures are offered on the basis of an individual assessment of each individual’s need for assistance in finding employment.

1. **Detailed information on the measures your country has adopted to promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one’s own business (article 27 (1) (f)).**

The Norwegian goverment has not adopted any specific measure to promote such opportunities.

1. **Information on the measures adopted by your country to ensure that reasonable accommodation is provided to persons with disabilities in order to facilitate access to or continuance of employment (articles 5 (3) and 27 (1) (i)).**

In the Jobs Strategy, the Government sets out the orientation of efforts within the priority areas over the coming years. In this way, the strategy identifies initiatives and schemes that will be of strategic importance in reducing the barriers to employment faced by people with disabilities.

The Jobs Strategy attaches importance to strengthening and supplementing ordinary and general initiatives in different areas of policy with more targeted labour market instruments to compensate for different types of disabilities. In implementing different forms of workplace facilitation initiatives and supervisory schemes. The idea is that when various supplementary services or compensatory solutions are combined with general instruments such as the use of labour market initiatives, this increases the chances of more young people with disabilities joining the labour market.

See more information on the Jobs Strategy’s policy instruments in the Jobs Strategy on page 25.

The Norwegian Government presents various proposal for initiatives for 2012 in the Jobs Strategy together with other proposals currently under review, see page 25 and pages 30-43 in the Jobs Strategy.

1. **Information on measures your country has 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, safe and safe and healthy working conditions, including protection from harassment, and the redress of grievances (article 27 (1) (b)).**

Reference is made to question 2).

According to the Anti-Discrimination and Accessibility Act, people with functional disabilities are ensured protection against discrimination and harassment in all aspects of society, including at work. By harassment is meant acts, omissions or statements that seem or aim to seem offensive, frightening, hostile, degrading or humiliating.

Employers and the managements of organisations and educational institutions shall, within their areas of responsibility, prevent and seek to prevent harassment occurring in contravention of this section.

Anyone who considers him/herself to be subject to discrimination in the work-sphere in breach of the Anti-Discrimination and Accessibility Act may seek compensation for financial loss and/or redress for non-economic loss. An order to pay compensation for breach of the prohibition on discrimination can only be imposed by the ordinary courts.

The Act also provides rules stipulating that public enterprises and private enterprises that are addressed to the public must be accessible and universally designed. People with functional disabilities can, if they believe that their rights are violated, receive free advice on rights concerning work. In addition, they have the right to free complaint procedures if they believe that their rights are violated.

People with functional disabilities are comprised by the general provisions of the Working Environment Act. The Working Environment Act requires employers to protect employees against injuries and to create a fully satisfactory working environment. The Act also includes requirements regarding the psychosocial working environment, among other things the employees shall not be subjected to harassment or other improper conduct. The employer has, under certain conditions, responsibility and a duty to facilitate the work situation for employees where necessary.

Furthermore, the Working Environment Act includes provisions containing prohibitions against discrimination. The prohibition against discrimination applies to all aspects of an employment relationship, including the announcement of work and employment, wage and working conditions and termination. The Act also limits the employer's right to request health information when employing, and the employer's right to terminate the employment.

1. **Detailed information on the poverty reduction measures, social security and income-maintenance schemes that your country has developed to provide adequate income support to persons with disabilities who, owing to disability or disability-related factors, have lost or received a reduction in their income from employment (including self-employment) or have been denied employment opportunities (article 28 (2) (b) and (e)).**

The National Insurance Scheme offers great financial aid and support to persons whose working capacity is reduced due to sickness, injury or disability. As a general rule, all persons who are either resident or working as employees in Norway are compulsory insured under the National Insurance Scheme. The Scheme is financed by contributions from employees, self-employed persons and other members, employers’ contributions and contributions from the state (taxes).

**Compensation for the loss of income due to due to illness, injury, disability, or defect**

*Sickness pay (daily cash benefits in the case of sickness)*

An insured person who has an annual income of at least 0.5 times Basic Amount (41 061 NOK) is entitled to daily cash benefits in case of sickness/injury if he/she is incapable of working due to sickness/injury. It is, as a general rule, required that the occupational activity has lasted for at least 4 weeks. Daily cash benefits for employees equals 100 per cent of pensionable income from the first day of sickness. A self-employed person gets sickness benefits corresponding to 65 per cent of pensionable income from day 17. By voluntary paying a higher rate of contributions, self-employed persons may receive 65 per cent of pensionable income from the first day of sickness or 100 per cent from the seventeenth day of sickness or the first day of sickness.

If the person partially can fulfil his/her usual tasks or new tasks as a result of arrangements/organization in the work place, the daily cash benefits are proportionally reduced (i.e. 50 per cent cash benefit combined with 50 per cent salary).

*Work assessment allowance*

Work Assessment Allowance is granted to insured persons between the age of 18 and 67 whose working capacity is reduced by at least 50 per cent due to illness, injury or defect. Work Assessment Allowance shall cover living expenses and is normally granted when the person in question is undergoing active treatment or vocational measures, or when the person in question has tried such measures and is still considered to have a certain possibility of becoming employed, and is being followed up by the Norwegian Labour and Welfare Service in order to be enabled to acquire of keep suitable employment. The benefit rate per year is 66 per cent of the pensionable income of the year before (or the average pensionable income of the last three calendar years) the working capacity was reduced by at least 50 per cent. Insured persons who had low, or no, pensionable income before the working capacity was reduced by at least 50 per cent, is guaranteed a minimal yearly benefit of 2 times Basic Amount (164 244 NOK). For persons born disabled or having become severe and permanently disabled before reaching the age of 26, the minimum allowance is 2.44 times Basic Amount (200 378 NOK). In addition, a child supplement is granted for each dependent child under the age of 18.

If the working capacity is reduced partially (at least 50 per cent but less than 100 per cent), Work Assessment Allowance is reduced proportionally.

*Disability pension*

An insured person between 18 and 67, whose working capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to a disability pension if he/she has been insured with entitlement to pension benefits for at least three years up to the contingency. There are some exemptions from the 3-year-condition, especially if the person previously has been insured. Insured persons born disabled or having become severe and permanently disabled before reaching the age of 26, are guaranteed a minimum yearly pension of 202 848 NOK for persons living alone and 190 524 NOK for married/co-habitant persons.

If the working capacity is reduced partially (at least 50 per cent but less than 100 per cent), disability is reduced proportionally.

**Technical aids**

An insured person with a disability may receive technical aids in order to obtain or retain work/employment and/or to function in his or her daily life. The aids vary from hearing aids, wheelchairs, specially adapted cars, computer software, adaption in the work place, interpreter etc.

**Compensation for significant extra expenses**

An insured person with a disability is entitled to basic benefit and attendance benefit.

A basic benefit is granted if the disability involves significant extra expenses. There are six basic benefit rates, which are adjusted each year by Parliament. An attendance benefit is granted if the disabled person needs special attention or nursing. There are four attendance benefit rates, which are adjusted by Parliament.

Parents providing special attention and nursing for a child which have received attendance benefit for at least three years, are entitled to attendance benefit for three months after the attention and nursing has come to an end due to the death of the child.

**Medical benefits during sickness**

All insured persons are granted free accommodation and treatment, including medicines, in hospitals. This follows from the provisions of the Act on Specialist Health Care and the Act on Mental Health Care. In the case of treatment given outside hospitals, the provisions of the Health and Care Services Act and the National Insurance Act apply.

The patient has to pay a share of the cost of treatment by a general practitioner or a specialist outside hospital, for treatment by a psychologist, for prescriptions of important drugs and for transportation expenses in connection with examination or treatment. The municipality, the regional health authority and/or the National Insurance cover the main part of the expenses. For reiterated prescriptions a new cost-sharing amount shall be paid when a supply equal to three months’ consumption has been received.

1. **Information on efforts that your country has undertaken to ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others (article 27 (1) (c)).**

The right to exercise the labour and trade union rights are equal for everyone in Norway, and there are not undertaken specific efforts for persons with disabilities. See answer to question 7).

1. **Information on the measure adopted by your country to closely consult with and actively involve persons with disabilities and their representative organisations in the development, implementation and monitoring of legislation and policies to promote and protect access to employment opportunities for persons with disabilities (article 4 (3) and 33 (3)).**

Work on the Jobs Strategy has been widely informed by discussions with the National Disability Council of Norway. Two panels have been commissioned to submit proposals for initiatives: a panel of representatives of organisations for people with disabilities and a panel of labour market and business and industry representatives.

Opening up the labour market to those seeking entry will entail active participation by employees and employers, organisations representing people with disabilities and job-seekers themselves. These activities entail the active involvement of organisations and

institutions for people with disabilities in order to build up the Labour and Welfare Service’s expertise in this field and to provide inputs for ongoing work on the strategy.

As written in the Jobs Strategy arrangements must be made to facilitate active involvement by organisations for people with disabilities, the social partners and other key stakeholders. Dissemination of information is also important to keep user organisations and other affected stakeholders informed of work on the Jobs Strategy.

The Minister of Labour is also holding meetings with the organisations representing people with disabilities during the year.

1. **Recent statistical data on the number of persons with disabilities employed in the public sector, disaggregated on basis of age, sex and type of disability (article 31).**

Statistical data from Q2 2011:

**Employed persons with disabilities in private and public sector,**

**age group 15- 66:**

|  |  |  |
| --- | --- | --- |
|  | **Employees in total** | **Employed persons with disabilities** |
| **Both gender** | 2 337 000 (100%) | 201 000 (9.0%) |
| Public sector | 807 000 (100%) | 80 000 (9,9%) |
|  |  |  |
| **Male** | 1 199 000 (100%) | 93 000 (7,7%) |
| Public sector | 242 000 (100%) | 21 000 (8,6%) |
|  |  |  |
| **Female** | 1 139 000 (100%) | 117 000 (10,3%) |
| Public sector | 565 000 (100%) | 59 000 (10,4%) |
|  |  |  |

**Employed persons with disabilities – age and gender, age group 15-66:**

(in private and public sector together)

|  |  |  |
| --- | --- | --- |
|  | **Employees in total** | **Employed persons with disabilities** |
| **In total** | 2 337 000 (100%) | 210 000 (100%) |
| 15-24 | 322 000 (13,8%) | 19 000 (9,2%) |
| 25-39 | 794 000 (34,0%) | 52 000 (24,5%) |
| 40-54 | 826 000 (35,3%) | 78 000 (37,1%) |
| 55-59 | 212 000 (9,1%) | 30 000 (14,1%) |
| 60-66 | 184 000 (7,9%) | 32 000 (15,1%) |
|  |  |  |
| **Male** | 1 199 000 (51,3%) | 93 000 (44,2%) |
| 15-24 | 163 000 (7,05%) | 10 000 (5,0%) |
| 25-39 | 412 000 (17,6%) | 27 000 (12,9%) |
| 40-54 | 425 000 (18,2%) | 29 000 (13,9%) |
| 55-59 | 104 000 (4,4%) | 11 000 (5,3%) |
| 60-66 | 97 000 (4,1%) | 15 000 (7,1%) |
|  |  |  |
| **Female** | 1 139 000 (48,7%) | 117 000 (55,8%) |
| 15-24 | 159 00 (6,8%) | 9 000 (4,2%) |
| 25-39 | 383 000 (16,4%) | 24 000 (11,6%) |
| 40-54 | 401 000 (17,2%) | 49 000 (23,2%) |
| 55-59 | 108 000 (4,6%) | 19 000 (8,9%) |
| 60-66 | 87 000 (3,7%) | 17 000 (8,0%) |

There are no statistical data available on the number of employed persons with disability and the type of disability.

1. **Is your country involved in international cooperation programmes related to the promotion of work and employment opportunities for persons with disabilities? Please describe the ways the programmes are inclusive of and accessible to persons with disabilities (article 32).**

Norway is involved in a Nordic cooperation on the promotion of work and employment opportunities for persons with disabilities as a member of the Nordic Council. This is also a central topic in the Nordic Centre for Welfare and Social Issues, an institution underlying the Nordic Council. Nordic Centre for Welfare and Social Issues meets the challenges of developing the Nordic welfare model. The work aims to promote inclusion of vulnerable groups, equal treatment for all, social solidarity and access to guaranteed safety and quality in social services.

Nordic cooperation on people with disabilities is channelled by means of a variety of tools and institutions, such as the concept of 'design for all', in which the Nordic Disability Policy Council plays an important role. The Nordic Welfare Centre (NVC) plays an important role in disabled issues, aids for people with disabilities and for training personnel for the deaf-blind. For more information about this, see: <http://www.norden.org/en/about-nordic-co-operation/areas-of-co-operation/disabilities/people-with-disabilities>