Draft general comment on art. 27 UNCRPD

Submission by GRIP vzw

**GRIP, Gelijke Rechten voor Iedere Persoon met een handicap** (Equal Rights for Every Person with a Disability) is a human rights organization for and of persons with a disability. We previously submitted a shadow report to the CRPD in July 2013. **“Human Rights and Persons with Disabilities, Shadow report Flanders (Belgium) 2011”** and several submissions concerning the implementation of the CRPD in the Flanders region of Belgium.

In the current submission we present information on the implementation of Article 27 – Work and employment in Flanders.

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**Executive summery**

In Flanders, little progress is made to increase the employment of persons with disabilities in the regular labour market.

The employment gap between persons with and without disabilities remains just as large, the number of places in the sheltered workplaces are increasing, collective customisation is seen by many as inclusion and there is still insufficient support in the regular labour market to make inclusive work feasible.

The governments do have target figures with regard to the employment of persons with disabilities but these are not being achieved. Nowhere in Belgium is a quota imposed to employ persons with disabilities.

#  Current situation in the Flanders region.

1. In Flanders, the terms ‘inclusion’, in general and, ‘inclusive work’ specifically, are often used incorrectly. We have a tradition of segregation.
2. When we look at the evolution of the employment rate in Flanders, we see little progress for persons with disabilities.

Over a period of 10 years, there is hardly any increase. It currently fluctuates around 45% (table 1). The distance in the employment gap between persons with and without disabilities also persists.

**Table 1**

*Employment rate of persons suffering from handicap, disorder or illness (aged 20-64 years) (Flemish Region, 2009-2019)[[1]](#footnote-1)*

|  |  |
| --- | --- |
| Year | *Employment rate* |
| 2009 | 37,5% |
| 2010 | 33,5% |
| 2011 | 38,6% |
| 2012 | 38,7% |
| 2013 | 40,4% |
| 2014 | 42,7% |
| 2015 | 43,1% |
| 2016 | 41,0% |
| 2017\* | 43,3% |
| 2018 | 45,8% |
| 2019 | 45,6% |

\* From 2017 onwards, the parameters for the data have been changed, which calls for caution when comparing with older data

The employment gap between persons with and without disabilities remains just as big, approximately 35 percentage points (figure 1).

*Figure 1. Employment gap between persons with and without disabilities[[2]](#footnote-2)*

1. Inclusion in Flanders and Belgium is mainly treated vertical per policy domain and not transversal. Hence, there is no transversal inclusion plan.
2. In Flanders remains a segregated system for employing people with disabilities. The number of employees in the segregated community continues to grow year after year thanks to the support of the Flemish government (Table 2).

**Table 2***Number of persons with disabilities in a sheltered workplace[[3]](#footnote-3)*

|  |  |
| --- | --- |
| Year | Number of persons |
| 2017 | 17 029 |
| 2018 | 18 617 |
| 2019 | 20 061 |

1. Sometimes groups of persons with a disability working in customized employment, are being employed in a regular company (= collective customised employment, figure 2). In Flanders, this is perceived as inclusion.



*Figure 2.* *Work for a custom company in group work integrated in a regular company*

1. The Flemish employment policy does not focus enough on adapted regular work for persons with disabilities. In order to make full participation possible, the support measures should be more tailored. They should be applied in the same way, regardless of the workplace. A person with a disability employed in a sheltered workplace does not receive the same benefits if he were to relocate to a regular workplace. He will receive a lower wage premium and the supportive assistance cannot be transferred with him to the regular workplace.
2. Employment efforts of the government (federal as well as Flemish) are inadequate. The federal and Flemish governments have target figures for the presence of persons with disabilities in their workforce. They are not reached. The target figure for the federal and Flemish government is 3 %. The federal government reached 1.22 % in 2019. The Flemish government achieved 1.8% in 2018. The local authority target is 2%, sometimes the 2 % is reached, sometimes it is not. There is no overarching monitor for local authorities to show whether the 2% is being achieved.

In the private sector, there are neither targets nor quotas.

# Questions concerning the implementation of art. 27.

1. The CRPD doesn’t provide a definition for the term inclusive work. This makes it difficult to evaluate certain measures and practices.

**Question: Can the Committee on the Rights of Persons with Disabilities provide a definition for inclusive work?**

1. The employment gap between persons with and without disabilities remains in Flanders just as big.

**Question: What is the Committee's position on this standstill?**

1. In Flanders, the CRPD is often interpreted as the right to choose between a regular and a sheltered workplace. This is also used by the politicians in order to continue investments in the social economy.

**Question: Can the Committee give some clarification about the right to choose between regular and sheltered workplace?**

1. Inclusive work is a condition for the full participation in society. There is a major relation between art. 27 and other articles of the CRPD.

**Question: Can the Committee give some more information about the interaction between art. 27 and other articles?**

1. Segregated work for people with disabilities in the regular labor market - collective customised employment - are proposed as an inclusive measure.

**Question: What is the opinion of het Committee as to collective customized employment? Is this practice in compliance with the CRPD?**

1. There is insufficient support in the regular labour market, which makes inclusive work more difficult than working in a sheltered workplace.

**Question: Can the support for the same person depend on whether he works in the regular labour market or in a sheltered workplace?**

1. The governments do not have quotas, only targets that they do not reach. In the private sector, there are neither targets nor quotas.

**Question: What is the Committee's position on quotas?**

1. Source: Statbel - EAK (Adaptation Steunpunt Werk) [↑](#footnote-ref-1)
2. Source: Statbel - EAK (Adaptation Steunpunt Werk) [↑](#footnote-ref-2)
3. Source: Departement Werk en Sociale Economie [↑](#footnote-ref-3)