# Submission of BAG WfbM Germany on the future General Comment on Art. 27 of the UNCRPD

Bundesarbeitsgemeinschaft Werkstätten für behinderte Menschen e. V. (BAG WfbM) is the German association of sheltered workshops. BAG WfbM is providing its 700 members with services like expert advice on questions related to employment, vocational education, financing and legal issues.

In Germany, sheltered workshops are highly specialised facilities for vocational rehabilitation who enable people with severe disabilities to participate in working life. They provide vocational education and training, work opportunities and support in personal development for over 320,000 people with intellectual, psychological and severe and multiple disabilities.

This submission emphasizes the importance of services of sheltered workshops as part of the world of work.

Sheltered workshops in Germany are part of a system of support services regulated in the German social system and ensure for a large number of people with severe disabilities their legal claim to work. They are social enterprises and at the same time provide person-centered services which enable and support people with disabilities to participate in working life.

Currently, there are not enough job opportunities for people with disabilities. The Coronavirus crisis has made this situation even worse and an already competitive labour market even more competitive.

Sheltered workshops bridge the gap for people with severe disabilities and continuing support needs between their right to work enshrined in Art. 27 and their access to work in real life.

**Discrimination in the workplace, including workplace segregation**

The stereotypes of sheltered workshops of the past do no longer apply. Sheltered workshops in Germany are constantly developing and refining their services. This is proved by the growing number of community-based services, integrated workplaces, job coaching, individual placement support and many other services, sheltered workshops provide.

People with disabilities working in sheltered workshops in Germany are legally considered fully incapacitated for work. This concept is the legal precondition for being entitled to support services such as support to participate in working life. The intention to choose a less deficit-oriented and discriminatory language should not result in a situation, where people with high support needs are no longer eligible for support services and other compensatory claims.

Sheltered workshops allow people with disabilities to achieve rehabilitation through work as required in Articles 26 and 27 UNCRPD. But sheltered workshops in Germany do not only contribute to the implementation of the rights under Article 26 and Article 27 of the UNCRPD. They provide flexible and individually person-tailored services and support people with disabilities to exercise a variety of rights enshrined in the UNCRPD.

The social- and community-based services they offer, are provided in retail stores, restaurants, integrated workplaces in enterprises of the open labour market, and many other places and contribute to raising awareness for people with disabilities in society (Article 8).

Among other things, sheltered workshops support and assist people with disabilities to have access to means of transportation, information and communication as well as other facilities and services (Article 9) and in exercising their legal rights (Article 12). They also enable them to live independently and be integrated in their community (Article 19). With their services of vocational education, they provide access to education for a group of people who often are largely excluded from the recognized vocational education and training systems (Article 24). With work-related measures and leisure activities, workshop services also contribute to participation in cultural life and recreation, leisure and sports (Article 30).

Co-production with all relevant stakeholders is an important part of the further development of high quality services provided by sheltered workshops in Germany.

Following the principle “nothing about us without us” German sheltered workshops are obliged by law to implement a workshop council and a women representative elected from and by the workshop users. These representative organs are involved in the shaping of services of sheltered workshops. Through their regional and federal representative associations the workshop councils and women representatives are also involved in further developing the services and political activities.

**Reasonable accommodation**

Sheltered workshops are experts in providing reasonable accommodation for people with disabilities. The adaptation of work processes implies for example that special and individual devices are built, that a specific workplace is structurally redesigned or that a certain environment is created. There is and will be a need for these services to guarantee participation in working life for people with disabilities, especially for people with high support needs. These services can be offered by sheltered workshops wherever a person works.

**Access to inclusive education and inclusive vocational training**

The services of German sheltered workshops in the field of vocational education are an important part of the German educational system. Many different skills are trained with the objective to individually develop, enhance, or recover the performance and ability to work of each person with disabilities. This is done by promoting the personal development of the participants, systematically developing their professional and life skills, and preparing them for working life either in the sheltered workshops department of work or on the open labour market. According to a holistic educational concept, the vocational action ability of each participant is built and developed in a person-centered way. This includes various measures as the spectrum of services offered must be as broad as possible to correspond with the individual skills but also respect the type and severity of the disability.

To enable and simplify a transition from vocational education to work, sheltered workshops in Germany work together with regional Chambers of Crafts, Trade and Commerce in order to certificate the capacities and attainments on an equal basis with others, as long as these learning achievements are not officially recognised by the German education law. BAG WfbM has been claiming for a long time for a certification scheme by which the achieved individual skills are formally recognised.

**The right to equal remuneration for work of equal value**

While sheltered workshops develop and refine their services, the existing legislation in Germany also changes. Many legal innovations have been introduced to empower people with disabilities, to facilitate individual reasonable accommodations, to provide alternatives and to give them new opportunities, such as the Budget for Work, the Budget for Vocational Training, the so-called Other Service Providers, inclusive enterprises, and others.

The topic of remuneration in sheltered workshops has been discussed for years. The existing legislation does not enable sheltered workshops to provide people with disabilities with an adequate remuneration. There is an urgent need to change the legislation. In 2019 the German government started a reform process to assess the existing legislation and improve the current financial situation of people with disabilities in sheltered workshops. Sheltered workshops and representative organisations of persons with disabilities are involved in the reform process. Their common goal is to achieve that the right to the opportunity to gain a living by work will be implemented. As a result of the process it is crucial, that people with disabilities won’t lose their existing legal claims to services and additional financial subsidies.

**The impact of new technologies in the labour market and in life in general**

In a more and more digitalised world, access to technologies and the enablement to use them is extremely important in supporting people with severe disabilities and high support needs in the world of work. Not only can digitalisation lead to new possibilities such as performing previously impossible work tasks. Through the use of technologies as well as blended learning approaches new methods of vocational education and training are also accessible. Additionally, supported decision-making and self-determination of people with disabilities are enhanced.

The coronavirus crisis has even more emphasized the need for digitalisation for people with disabilities, service providers and services which are being provided. Location-independent service provision will become an even more important and integral part of the services of sheltered workshops.

**Conclusion**

There is a variety of models of so-called sheltered workshops. The models and concepts differ from country to country which makes it impossible to compare them. However, any attempt to compare the different systems must always start from the individual and not from the name of the facility. The result would be that German sheltered workshops offer a group of people with particularly severe disabilities the opportunity to work, who in many other European countries would not have access to work, but would instead be in day structures or at home.

Still sheltered workshops in Germany are in an ongoing process of transition towards a closer compliance with Article 27 UNCRPD. They are one of many services working seamlessly hand in hand to create a permeable system. Every offer is an important component of the system of vocational rehabilitation providing that each person with disabilities can decide freely, in a self-determined way.

The general discussion on Art. 27 UNCRPD should encourage state parties to change the existing legislation to enable and ensure that the services of sheltered workshops fully comply with the obligations regarding article 27 of the UNCRPD.

To safeguard that every individual can find the appropriate offer for his or her needs of support and every step of his or her development, the services of vocational rehabilitation, and therefore the services of sheltered workshops, are indispensable as part of the world of work.