

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

The expression "*all persons with disabilities*" covers all disabilities, including, for example, physical, intellectual, psychosocial, involving hearing, sight etc.

Question 1.

Question: Are persons with disabilities protected against discrimination on the basis of disability in conditions of hiring?

Explanation: Protection from discrimination in the hiring process is a fundamental right of *any* person seeking *any* employment.

Additional Remarks: If possible, please comment also on the effectiveness of such legislation and describe whether, in your country, any reports are available from such organizations as Disability Discrimination Commissions, Equality Commissions, Ombuds Institutes etc.

In addition, what remedies exist if the law is contravened?

Possible Answers:

A - Yes: Legislation is in place and covers all types of both disability and employment.

B - Yes with Qualifications: Legislation only exists for certain disabilities. Or covers only certain types of employment.

C - No: There is no such legislation.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 2.

Question: Does the state promote the employment of persons with disabilities in the private sector?

Explanation: Programmes could include: Grants to ensure accessibility of the workplace to persons with disabilities; subsidies for the development and production of, for example, assistive devices, to enable persons with disabilities to gain and maintain employment; tax incentives; and, continuing support, such as personal assistance.

Additional Remarks: Please detail any such promotional programmes and policies in your country that you deem particularly effective. Likewise, any which have failed in their aims or are not appropriate. In both instances, please provide indications as to why.

Possible Answers:

A - Yes: Appropriate promotional programmes and policies exist.

B - Yes with Qualifications: Promotional programmes and policies do exist, but they are either not all appropriate, or they cover only certain disabilities, or only certain types of employment.

C - No: Either no promotional programmes and policies exist, or, if they do, none is appropriate.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 3.

Question: For persons with disabilities, are opportunities for self-employment, entrepreneurship, the development of cooperatives, and starting one's own business, promoted by the government?

Explanation: For persons with disabilities who seek independence in their employment, at least equal access to opportunities is a necessity. All opportunities promoted by the government should be fully inclusive. Opportunities could include: grants, subsidies, tax breaks, access to management resource services, entrepreneurial skill development etc.

Additional Remarks: Please describe any opportunities that have been particularly effective. A holistic approach is often so much more so than just a simple grant of money.

Possible Answers:

A - Yes: A wide range of opportunities exists and such opportunities are promoted.

B - Yes with Qualifications: Either the range of opportunities is not wide, or such opportunities are not promoted.

C - No: Either no such opportunities exist, or none is promoted.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 4.

Question: Do persons with disabilities have access to vocational and continuing training?

Explanation: Vocational and continuing training should be available to all persons with disabilities.

Additional Remarks: For any such training to be of use to persons with disabilities, however, both the training and the access need to be “effective”. In this last instance, for example, for access to be effective, financial support must be available when needed, if such training is given away from the worksite, not only does transport need to be provided, but the location also needs to be accessible, alternative testing methods or extension of the normal length of a course may be necessary, etc, etc.

Please detail any vocational and continuing training programmes you deem particularly successful and, where possible, describe why they are.

Possible Answers:

A - Yes: There is access to both vocational and continuing training.

B - Yes with Qualifications: There is access only to either one or the other, but not both.

C - No: There is access to neither vocational nor continuing training.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 5.

Question: Are persons with disabilities provided with assistance, by the state, to find employment?

Explanation: The assistance provided by the state to those trying to find employment should be inclusive and, in the case of persons with disabilities, it should cover both all disabilities and all types of employment.

Additional Remarks: In the current economic conditions, if such assistance exists, it is particularly important that it is adequate. It could include, for example, the provision of transport to a local employment centre, notification of appropriate job opportunities, advice on skills training, a 'liaison officer' at each employment centre for persons with disabilities etc, etc.

Possible Answers:

A - Yes: Persons with disabilities are provided with assistance to find employment.

B - Yes with Qualifications: Such assistance is provided either only to persons with certain disabilities, or only with certain types of employment.

C - No: No assistance is provided to persons with disabilities to find employment.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 6.

Question: Are persons with disabilities legally entitled to receive, on an equal basis with others, remuneration for their work?

Explanation: Equal pay for work of equal value is a fundamental right for persons with disabilities.

Additional Remarks: If such a legal entitlement exists, but only either for some disabilities or for certain types of work, please specify.

Please indicate also: 1) whether, even if the entitlement exists in law, it actually exists in practice; and, 2) what remedies exist if the law is contravened.

Some states have employment laws authorizing the payment of below minimum wages to persons with disabilities, or that facilitate discrimination in terms of payment. If similar provisions exist in your country, please provide us with more information.

Possible Answers:

A - Yes: Such a legal entitlement does exist.

B - Yes with Qualifications: Such a legal entitlement exists only for certain disabilities and certain types of work.

C - No: Such a legal entitlement does not exist.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 7.

Question: Is the difference between the general employment rate and the persons with disabilities in employment less than 15%?

Explanation: Please describe what figures, if any, are published covering the employment of persons with disabilities – whether in the public or private sectors.

In the US, the active employment gap—between men and women with and without work-related disabilities—has actually increased over the past 20 years, hitting 57.4% by 2009, the largest gap on record (US National Council on Disability 2011 Report The Power of Digital Inclusion).¹ Relevant figures on the employment gap for the EU were published by the Academic Network of European Disability experts (ANED 2010 Report IDEE - Indicators of Disability Equality in Europe).²

Additional Remarks: In the current economic conditions, this issue is particularly important, please do indicate (with details) if the situation has changed over the past year.

Possible Answers:

A - Yes: The difference is less than 15%.

B - Yes with Qualifications: The difference is between 15 and 25%.

C - No: Either the difference is higher than 25%, or, no figures are available.

Your Answer:

Your Comments – if any:

¹ <http://www.ncd.gov/publications/2011/Oct042011>

² <http://www.disability-europe.net/theme/data-and-indicators>

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 8.

Question: Does a quota exist for providing employment to persons with disabilities in the public sector?

Explanation: A quota system is one way for the state, itself, to provide employment for persons with disabilities.

Additional Remarks: If a quota does exist, there should be transparency both as to whom it covers and what types of work it covers. And, indeed, whether the quota is subject to budget constraints, or not.

If such a quota does exist, please provide details as to both its coverage and size.

Possible Answers:

A - Yes: Such an employment quota exists.

B - Yes with Qualifications: A quota exists only for either certain disabilities, or certain types of work.

C - No: No such an employment quota exists.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 9.

Question: Do persons with disabilities share, on an equal basis with others, rights of redress of grievances?

Explanation: Grievances can cover many situations, for example: 1) Being forced to sit in a certain area of the cafeteria if in a wheelchair; 2) Being subject to verbal abuse from fellow workers; and, 3) Being passed over for promotion on the grounds of disability.

Additional Remarks: If possible, please detail whether, for example, 'Ombudsmen', or 'Commissions', exist for this purpose, or whether 'Liaison Officers' in the workplace, acting as focal points for the redress of grievances of persons with disabilities, exist.

Possible Answers:

A - Yes: All rights of redress are shared on an equal basis with others.

B - Yes with Qualifications: Either only some rights are shared, or rights are not always shared on an equal basis with others.

C - No: Either no such rights are shared, or none is shared on an equal basis with others.

Your Answer:

Your Comments – if any:

THE ESSL FOUNDATION – ZERO PROJECT REPORT 2013: REVIEW OF THE RIGHT OF PERSONS WITH DISABILITIES TO WORK ON AN EQUAL BASIS WITH OTHERS

Question 10.

Question: Are there additional rules relating to the dismissal of persons with disabilities, on top of the ordinary labour law?

Explanation: None.

Additional Remarks: If such additional rules do exist, please provide information about the circumstances under which persons with disabilities can be dismissed.

Possible Answers:

A - Yes: Such rules do exist.

B - Yes with Qualifications: Such rules exist only for certain disabilities and/or certain types of work.

C - No: No such rules exist.

Your Answer:

Your Comments – if any: