



ISSUE DESCRIPTION



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Introduction

The term “disability” is defined as a mental or physical condition that limits a person’s movements, senses or activities, which is a disadvantage or handicap recognized or imposed by the law. According to data recognized by the International Labour Organization (ILO), one of every 10 people in the world has a disability – some 650 million worldwide and approximately 470 million persons of working age. Although many are successfully employed and fully integrated into society, as a group, persons with disabilities often face disproportionate rates of poverty and unemployment.

In the European Union (EU) in 2003, 40 percent of disabled people of working age were employed compared to 64.2 percent of persons without disability. Furthermore, 52 percent of EU working age disabled persons are economically inactive, compared to 28 percent of persons without disability. Providing decent work for such people is essential for the global economic and social status, as 80 percent of all people with disabilities live in rural areas of developing countries and have limited or no access to needed services. Unemployment rates vary between types of disability, the highest being among those with mental illness. In the United Kingdom, an estimated 75 percent of those of working age with mental illness are unemployed. In Switzerland, mental illness has become the single most important reason for claiming disability benefits, accounting for over 40 per cent of the total. In the workforce persons with disabilities tend to have lower earnings than persons without disability. Often being relegated to low-level, low-paying jobs with little social and legal security, or segregated from the mainstream market, many are underemployed or become discouraged and decide to drop out. What is more, among persons with disabilities, men are twice as likely to have jobs as women.

Discrimination against disabled persons in the workforce could appear in many forms- direct discrimination, indirect discrimination, harassment, victimization and failure to make reasonable adjustments. In the case of direct discrimination, a person with disability is treated unfairly compared to a person without disability in a similar situation. Indirect discrimination concerns a certain policy or way of working that has a worse impact on disabled people.

Discrimination against disabled people in the workforce is a prevalent issue that happens in different workplace settings. Oftentimes the fault lies in policies, making employers responsible for most of the discrimination transgressing in the workplace.

Definition of Key Terms

Convention on the Rights of Persons with Disabilities (CRPD): International human rights treaty adopted in 2006 that reaffirms that all persons with disabilities must enjoy all human rights and fundamental freedoms.

International Labour Organization (ILO): A UN agency whose mandate is to advance social and economic justice by setting international labour standards.

The eight Millennium Development Goals (MDGs): Form a blueprint agreed to by all the world's countries and all the world's leading development institutions. (Which range from halving extreme poverty rates to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015.)

General Overview

The disability unemployment rates and gaps in employment between people with disabilities and people without disabilities seem to be drastic in the United States of America and the Russian Federation. The latter being in third place for unemployment of disabled people and first regarding the gap in employment, while the US follows its example and is in second place regarding the gap in employment rates.

It is not fully clear why employment rates for disabled people are so much lower than non-disabled people in the US, but there could be several contributing factors. American employers are permitted by law to pay disabled people below the minimum wage which creates a negative incentive to find employment, while employment opportunities for disabled people with intellectual disabilities are also limited – many of the jobs available are in segregated workshops, where staff don't get to interact with their non-disabled colleagues. Signed into law 30 years ago, the Americans With Disabilities Act (ADA) is designed to ensure that people with disabilities have the same rights and opportunities as everyone else by prohibiting discrimination in employment, education, transportation and other aspects of public life. Though the ADA forbids discrimination in employment on the basis of disability, people with disabilities

are less likely to be employed than people without disabilities. In 2019, for example, the unemployment rate for people without disabilities was 3.5%. For people with disabilities, it was 7.3%, according to the Office of Disability Employment Policy.

Disabled people in The Russian Federation face a particular challenge. The country, which has the third lowest employment rate for disabled people, also has an employment gap between disabled and non-disabled people of more than 50%. In The Russian Federation, discrimination and a lack of access to inclusive education form barriers.

It's hard to get a clear picture of the employment situation for disabled people around the world. It's recognised as a problem to the extent that increasing the amount and range of data available is one of the targets of the sustainable development goals. Consequently, dealing with discrimination against disabled persons in the workforce is an issue on the agenda that is of immense importance, globally.

Major Parties Involved

- The European Union has introduced, alongside and in support of Member States' policies, a series of legal provisions, initiatives, actions and strategies to improve the employment situation of disabled people. In 2010, the EU signed the UNCRPD. The main instrument supporting the CRPD's implementation in the EU is the European Disability Strategy 2010 - 2020, which strives to empower people with disabilities and enable them to enjoy their full rights, to participate in society and to have equal access to employment as others.
- The United Kingdom has been a contributor to the cause of combating discrimination against disabled persons in the workplace with its Equality Act 2010 that legally protects people from discrimination in the workplace and in wider society.
- Mauritius, Haiti, South Africa, The Kingdom of Eswatini, Panama, Peru, Senegal and The Islamic Republic of Iran have the lowest employment rate for disabled persons according to data set by the ILO.
- The Grand Duchy of Luxembourg stands out with an employment rate for disabled people that are only 2.4% less than for those without disabilities.

- The Russian Federation and The United States of America stand out among UN members with the largest gaps in employment rates for people with disabilities and persons without disabilities. According to data set by the ILO the average gap is that of 24,5 percent, while the gaps in the Russian Federation and the United States of America are around 45 per cent and over 50 per cent, respectively.

Timeline of Events

Despite the widespread systematic sterilization of people with disabilities in the 1950s, the first international movements (from institutionalization to community care) appeared. In the year 1950 the Economic and Social Council adopted resolutions that increased awareness that recognise disability and persons with disabilities from a social dimension. 19 years later (1969) The Declaration on Social Progress and Development affirmed the fundamental freedoms and principles set forth in the Charter of the United Nations and emphasized the need to protect the rights and welfare of persons with disabilities.

The 1970s brought two declarations, which are the first UN instruments that specifically address persons with disabilities- the Declaration on the rights of Mentally Retarded Persons (1971), followed by the Declaration on the Rights of Disabled Persons (1975). From the 1980s to the 1990s many countries adopted provisions within anti-discrimination legislation to include people with disabilities and a significant increase in numbers of disability advocacy and rights organizations on a global scale could be witnessed. The World Programme of Action concerning Disabled Persons (1982), a global strategy that provides a blue-print for countries to achieve the full and equal participation of persons with disabilities, made a shift towards a human rights-based approach. The International Year of Disabled Persons (1981) and the United Nations Decade of Disabled Persons (1982) highlighted the fact that social attitudes act as barriers to realizing the full human rights and equality of persons with disabilities.

In the year 1993 the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities were adopted. The Rules serve as a guidance for policy-making, taking attention to remove obstacles and creating equal opportunity for persons with disabilities in society and development. A Special Rapporteur on Disability (1993) of the Commission for Social Development was established to promote and monitor the implementation of the Standard Rules.

In the year 2006 the Convention on the Rights of Persons with Disabilities (CRPD) was adopted as an international treaty to promote, protect and ensure all human rights and fundamental freedoms for all persons with disabilities.

The General Assembly convened a High-Level meeting on Disability and Development (2013) at the level of Heads of state and Governments who commit to achieving the MDGs and all internationally agreed development goals for persons with disabilities, as well as mainstream disability in all development efforts.

The 2030 Agenda for Sustainable Development was adopted in 2015. It is a global development plan that specifically includes persons with disabilities, under five goals in seven targets. Disabilities and persons with disabilities are also included in the other global development frameworks, such as the Sendai Framework on Disaster Risk Reduction and the Addis Ababa Action Agenda on financing for development.

Previous Attempts to Solve the Issue

The United Nations (UN) has been at the forefront of dealing with discrimination against disabled persons in the workforce. On 13 December 2006 the United Nations Convention on the Rights of Persons with Disabilities (CRPD) was adopted. The CRPD is a landmark international treaty. It is a comprehensive human rights convention and international development tool, and is at the heart of the disability rights movement. In April 2018 the Secretary-General initiated a process to develop a United Nations system policy, action plan and accountability framework to strengthen system wide accessibility and mainstreaming of the rights of persons with disabilities. The United Nations Disability Inclusion Strategy (UNDIS) represents a comprehensive strategy for ensuring that the UN system is fit for purpose in relation to disability inclusion.

The International Labour Organisation (ILO) has been a major contributor to the cause of fighting discrimination against persons with disabilities in the workplace with its strategies and projects. The ILO's Disability Inclusion Strategy 2014-2017 sets the direction for how the organization as a whole works on disability rights as a cross-country issue. The ILO's project "The Employment of People with Disabilities: The impact of Legislation" aims to enhance the capacity of governments of selected countries to implement effective legislation on the employment of people with disabilities - either in the form of laws, or revisions to existing laws, or through the development of regulations or policies to implement laws. The ILO's Global Business and Disability Network brings together multinational companies, networks of

employers and businesses as well as organizations representing disabled people. Active since 2010, the Network has served as a platform for exchanges between businesses based in both developed and developing countries.

Possible Solutions

Many UN members have tried to eradicate discrimination based on any reason in the workforce for decades. A solution is being offered thanks to the 2030 Agenda for Sustainable Development. The Agenda resolves, between 2015 and 2030: to end poverty and hunger everywhere; to combat inequality within and among countries; to build peaceful, inclusive and just societies; to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities. Furthermore, the UN has proposed possible solutions in its Strategy for the Rights of Persons with Disabilities 2021 - 2030. This strategy aims to improve the lives of persons with disabilities in the coming decade, in the EU and beyond. It takes account of the diversity of disability and promotes an intersectional perspective, addressing specific barriers faced by persons with disabilities who are at the intersection of identities or in a difficult socioeconomic or other vulnerable situation. Complementing the equality strategies adopted to combat discrimination in all its forms, this strategy hopes to help achieve a Union of Equality and to strengthen Europe's role as a global partner in combating inequalities, achieving the UN Sustainable Goals and promoting human rights.

The ILO has been active on the matter with its Decent Work for Persons with Disabilities: Promoting Rights in the Global Development Agenda. Promoting rights in the global agenda is intended as a resource for countries in implementing the provisions of the existing ILO standards, the ILO Code of Practice on Managing Disability in the Workplace, and the CRPD. It traces the growth of attention to disability issues in the international and national standards since the early twentieth century, and reviews policy measures in place in countries around the world, along with data on their effectiveness. It shows clearly that progress has been made, but underscores the need to step up national and international efforts, including through the 2030 Agenda for Sustainable Development to break down barriers to the economic and social inclusion of disabled persons, reducing poverty and strengthening economies, and enriching societies at large.

Bibliography

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_087707.pdf

https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_decl_fs_87_en.pdf

<https://www.un.org/disabilities/documents/historyinfographic.pdf>

<https://www.un.org/development/desa/jpo/wp-content/uploads/sites/55/2017/02/2030-Agenda-for-Sustainable-Development-KCSD-Primer-new.pdf>

<https://www.un.org/development/desa/disabilities/about-us/history-of-disability-and-the-united-nations.html>

<https://www.un.org/millenniumgoals/>

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_407645.pdf

<https://www.un.org/en/content/disabilitystrategy/>

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement>

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_430935.pdf

<https://www.legislation.gov.uk/ukpga/2010/15/contents>