



International
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Office

Achieving Equal Employment Opportunities for People with Disabilities through Legislation

Guidelines



Irish Aid

Department of Foreign Affairs
An Roinn Gnóthaí Eachtracha

Achieving Equal
Employment
Opportunities
for People
with Disabilities
through Legislation

Guidelines



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Preface

For a long time it was assumed that unemployment and underemployment of people with disabilities was closely interrelated to, and in fact the unavoidable consequence of, the physical and mental impairments of the persons concerned. It is now recognised that many of the disadvantages they face and the fact that they are often excluded are not due to individual impairments, but rather a result of the reaction of society to that impairment. Laws and policies are part of this reaction.

Disability issues are now increasingly viewed as issues of human rights. The basic idea of human rights law, centred on the concept of human dignity, is that all people have equal rights, notably the right to live a full and decent life. This reflects the simple, and at the same time crucially important notion that everyone is a human being. Corresponding to the rights of individuals, States have the duty to protect, respect and fulfil human rights. This reappraisal is prompting major shifts in international and national law. The UN Convention on the Rights of Persons with Disabilities, adopted in December 2006, reflects these shifts. It is now widely accepted that the human rights of persons with disabilities must be protected and promoted through general, as well as specially designed laws, policies and programmes. National governments can make this possible through their legislation.

These guidelines reflect the reappraisal of disability as a human rights issue. Intended for policy-makers and drafters of legislation, they have been developed with a view to assisting in improving the effectiveness of national laws concerning training and employment of disabled persons, as part of an ILO Project “*The Employment of People with Disabilities: the Impact of Legislation*”. Funded by the Government of Ireland, this project 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 new laws, or revisions to existing laws, or through the development of regulations or policies to implement laws. In addition to compiling information on laws and their effectiveness, the project provides technical assistance

to selected national governments in implementing necessary improvements in their laws. These drafting guidelines are intended as a tool to support this technical advisory role and will be available to all participating countries.

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Christine Evans-Klock

Director

ILO Skills and Employability Department

Purpose and Rationale of the Guidelines

1.1 People with disabilities globally

Over 600 million people worldwide have a physical, sensory, intellectual or mental impairment of one form or another. This equals approximately ten per cent of the world's population. People with disabilities can be found in every country, with over two-thirds of them living in the developing world.

Throughout the world there is an undeniable link between disability, poverty and exclusion. The denial of equal employment opportunities to people with disabilities forms one of the root causes of the poverty and exclusion of many members of this group. There is ample evidence that people with disabilities are more likely than non-disabled persons to experience disadvantage, exclusion and discrimination in the labour market and elsewhere. As a result of these experiences, people with disabilities are disproportionately affected by unemployment. When they work, they can often be found outside the formal labour market, performing uninspiring low-paid and low-skilled jobs, offering little or no opportunities for job promotion or other forms of career progression. Employees with disabilities are often underemployed.

The most appropriate laws to advance equal opportunities for people with disabilities in the labour market, and policy measures to implement these laws, vary from one State to another. Each State has a margin of discretion in assessing which laws and policy measures are most suitable to meet its specific circumstances and

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