

The right to decent work of persons with disabilities

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Arthur O'Reilly

International Labour Office - Geneva

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Every day we are reminded that, for everybody, work is a defining feature of human existence. It is the means of sustaining life and of meeting basic needs. But it is also an activity through which individuals affirm their own identity, both to themselves and to those around them. It is crucial to individual choice, to the welfare of families and to the stability of societies.

Juan Somavia, ILO Director- General, June 2001

All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

Declaration of Philadelphia, International Labour Conference, 1944

All ILO Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, including the elimination of discrimination in respect of employment and occupation.

ILO Declaration on Fundamental Principles and Rights at Work, 1998

Each Member shall, in accordance with national conditions, practice and possibilities, formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled persons (which) shall aim at ensuring that appropriate vocational rehabilitation measures are made available to all categories of disabled persons and at promoting employment opportunities for disabled persons in the open labour market (and) be based on the principle of equal opportunity between disabled workers and workers generally.

ILO, Vocational Rehabilitation and Employment of (Disabled Persons) Convention, 1983 (No. 159)

The promotion of full, productive and freely-chosen employment... should be regarded as the means of achieving in practice the realization of the right to work.

ILO, Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

UN Convention on the Rights of Persons with Disabilities, 2006

As opportunities have opened for people with disabilities to work in jobs that suit their skills, interests and abilities, many have demonstrated their capacity to be valued employees and successful business people, and in the process have challenged mistaken assumptions about their ability to work. Arising from this, countries around the world are increasingly recognizing that disabled people represent enormous potential, frequently untapped; that they have a valuable contribution to make to the national economy; that their employment reduces the cost of disability benefits and may reduce poverty; and that concerted action is needed to dismantle the barriers which prevent many disabled people from taking part in the economy and society.

There are approximately 470 million disabled persons of working age around the world. While information on their employment status is incomplete and international comparisons are difficult to make, it is clear that the deficit of decent work hits disabled people far harder than others. Many women and men with disabilities are unable to find decent jobs even when they have completed training, and frustration and a decline in aspirations can set in. Discouraged by discriminatory barriers and mistaken assumptions about their capacity to work, many withdraw from an active search for jobs, and rely either on disability benefits where these exist, or eke out a livelihood in low value-added work in the informal economy, with support provided by their families and community.

Arising from this set of circumstances, it is not surprising that there is a strong link between disability and poverty. According to UN statistics, 82 per cent of disabled people in developing countries live below the poverty line, and are among the most vulnerable and marginalized, estimated to make up between 15 and 20 per cent of the poor in these countries. Significant, sustained action to support the inclusion of people with disabilities in employment promotion, rural development and poverty reduction programmes and a range of other areas will be required in the coming years, to open productive employment and decent work opportunities up to disabled persons and to move towards achieving the Millennium Development Goals of reducing poverty, enabling States to benefit from their contribution to the economy and society, and avoid the substantive costs associated with exclusion.

A framework for action to break down barriers to inclusion and renew the impetus to eliminate discrimination on the basis of disability and to positively promote the inclusion of disabled persons in all aspects of society is provided by ILO International Labour Standards and in particular the Convention concerning the Vocational Rehabilitation and Employment of Disabled Persons, as well as the ILO Code of Practice on Managing Disability in the Workplace, along with other international, regional and national initiatives. The United Nations

Convention on the Rights of Persons with Disabilities (CRPD), unanimously adopted by the UN General Assembly in December 2006, adds new impetus to this package of measures, marking a ground-breaking change in the way disability issues are regarded in international law, and strengthening the pathway to independence and the dignity of decent work and to full inclusion in all aspects of society. While not creating new rights, the CRPD will affect the opportunities of disabled men and women of working age to obtain freely chosen decent work, either in formal employment or self employment, through its provisions on vocational training, work and employment. The Convention recognizes the right of persons with disabilities to gain a living by work which they freely choose or accept, based on the principles of equal opportunity, equal treatment and non-discrimination, and the provision for protection of this right through legislation, including the right of persons with disabilities to join trade unions. Discrimination on the basis of disability will be prohibited in all forms of employment; workers who become disabled while in employment will have their jobs protected through job retention measures, and provisions will be made for vocational and professional rehabilitation and return to work.

‘The Right to Decent Work of Persons with Disabilities’, launched by the ILO on the International Day of Disabled Persons, 3 December 2007, is intended as a resource for countries in implementing the provisions of the existing ILO standards and the CRPD, once it enters into force, following ratification by twenty countries. It traces the growth of attention to disability issues in international and national standards since the early twentieth century, and it reviews the types of policy measures in place in countries around the world. It also shows clearly that progress has been made, but underscores the need to step up international and national efforts to break down the economic and social exclusion of disabled persons.

The CRPD, together with ILO Conventions and other international, regional and national initiatives, will contribute to improving the living conditions and status of people with disabilities around the world in years to come. Their effective implementation will promote the rights and dignity of people with disabilities, empowering them, as well as strengthening economies and enriching societies at large. This publication will contribute to this process.

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November 2007

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