

Employment and training opportunities for people with disabilities: The ILO's role

How does the ILO approach to disability issues fit with the rights-based approach? How has the ILO helped to improve the training and employment of disabled persons? How does it promote equal opportunities for persons with disabilities, particularly in developing countries? And what still needs to be done?

Barbara Murray

Manager – Equity Issues
Skills Development Department (IFP/SKILLS)
ILO

Recent decades have seen dramatic changes in the way in which disability is regarded in society. For many years, it was widely assumed that people with disabilities required charity, care and assistance, and that they were not capable of working or living independently. Some disabled people broke through the constraints of this stereotype, holding jobs at every level, playing valued roles in their communities and sometimes becoming leaders in their fields, excellent role models for everyone. Most disabled people, however, continue to occupy marginalized positions in their societies, deprived of the rights to education, training and employment enjoyed by their non-disabled fellow-citizens, and frequently living in poverty. Since the 1970s, the disadvantages faced by disabled people, their social exclusion and discrimination against them have come to be seen more and more as a human rights matter, requiring action at every level of society to dismantle the barriers which have prevented their full participation. Disability has come to be viewed in many countries as a form of social diversity, which needs to be accommodated if society is to cater to all its citizens. People with disabilities are citizens; disability is a rights issue.

This shift in thinking is reflected at international level in the human rights char-

ters, conventions and initiatives adopted since the 1980s, which explicitly refer to persons with disabilities. It is also reflected in the increasing number of special instruments adopted by organizations such as the United Nations and the Council of Europe – including the Council of Europe Coherent Policy for the Rehabilitation of Persons with Disabilities (1992) and the UN Standard Rules for the Equalization of Opportunities for Persons with Disabilities (1993). International initiatives to promote this approach include the World Programme of Action concerning Disabled Persons, introduced in 1982; the UN Decade of Disabled Persons 1983-92; regional decades in Asia and the Pacific, Africa, and the Arab States; and the European Year of Persons with Disabilities, 2003. These initiatives aim to promote full participation with equality of disabled persons in all aspects and sectors of society. Legislation and policies in countries throughout the world have been revised or replaced in line with this. The trend has given rise to the decision by the UN General Assembly to draft and adopt a Convention on the Rights of Persons with Disabilities, currently being negotiated.

How does the ILO approach to disability issues fit with the rights-based approach? How has the ILO contributed to the changes which have taken place in

laws and policies concerning the training and employment of disabled persons? What role does the ILO play in continuing to advocate equal opportunities for persons with disabilities, particularly in developing countries? These and related questions are touched on in this article, which concludes by taking note of issues remaining to be tackled to ensure that people with all types and levels of disability can take active part in society.

Why is the ILO concerned with disability issues?

For centuries, most people with disabilities have been excluded from the mainstream of society. This has been at a great cost to society, in terms of the lost productive potential disabled people represent, the cost of disability benefits and pensions which for many form the only source of income, and the implications for their families and carers in countries where work opportunities and services are not available.¹ Comprising approximately a tenth of the world's population or 610 million people, with 386 million of working age,² disabled people have demonstrated that, with the right opportunities and adaptations and support, if needed, they can make a major contribution at all levels of the economy and society. Yet, in all parts of the world:

- People with disabilities are less likely to be in employment than non-disabled persons and, where they are employed, they are more likely to be in low-paid jobs with poor promotional prospects and working conditions (see also article by Luc Demaret, page 11).
- Disabled women are less likely to have a decent job than either non-disabled women or men with disabilities.
- Many people with disabilities are not registered either as employed or as unemployed, and are thus invisible in the labour market, surviving either through the support of their families or through social security payments.

The overall result of this situation is that many disabled people do not have the opportunity to earn a decent living, to contribute to the income of their families, or to make a contribution in the workplace. The potential of very many disabled persons remains untapped and unrecognized, leaving a majority of women and men with disabilities living in poverty, dependence and social exclusion.

The ILO approach

The primary goal of the International Labour Organization is to promote opportunities for women and men, including those with disabilities, to obtain decent and productive work in conditions of freedom, equity, security and human dignity. The principles of non-discrimination, equality of opportunity and equality of treatment are the main pillars of the ILO approach. Mainstreaming of services and opportunities for disabled persons advocated, where appropriate, as a means of ensuring this goal.

Social justice for all lies at the centre of the ILO mandate. This makes its concern with disabled persons inevitable. The ILO approach to promoting equality of opportunity for persons with disabilities is based on the conviction that work is a fundamental element of personal fulfilment, social integration and recognition; and work of decent quality is the most effective means of escaping the vicious circle of marginalization, poverty and social exclusion. People with disabilities are frequently trapped in this vicious circle, and positive action is needed to assist them in breaking out of it. A basic conviction underlying the ILO approach is that barriers which disabled people face in getting jobs and taking their place in society arise largely from policies, laws, regulations and practices – the way in which employment is structured and organized – and from mistaken assumptions about their working capacity, rather than from the disability itself. These barriers can and should be overcome through a variety of policy measures, regulations,

programmes, services and campaigns. The ILO supports constituents in developing solutions which suit the national context, through its international labour standards, knowledge-building, advocacy and technical cooperation activities.

International labour standards and disability

ILO commitment to promoting opportunities for persons with disabilities through international labour standards dates back nearly a century to 1925, when a Recommendation on worker compensation called for the vocational rehabilitation of injured workers and for the promotion of institutions providing these services.³

Long before the ILO introduced its first international labour standard concerning disability in 1955, the Organization was promoting the concepts of mainstreaming, equality of opportunity and affirmative action, now considered to be indispensable components of modern disability law. Early versions of these concepts are found in a series of standards introduced in the 1940s⁴ dealing with medical examination of young people for fitness for employment and the organization of employment services. The concept of return to work of disabled workers is found in a standard on social security introduced in 1952.⁵

ILO Recommendation No. 99 concerning Vocational Rehabilitation of the Disabled,⁶ adopted in 1955, proved to be one of the most important instruments concerning persons with disabilities for many years. Until the adoption of Convention No. 159 and Recommendation No. 168 almost 30 years later, this international instrument served as the basis for all national legislation and practice concerning vocational guidance, vocational training and placement of disabled persons.⁷

This Recommendation set the scene for ILO work with governments and the social partners to promote equal opportunities for persons with disabilities, emphasizing the importance of mainstreaming of vocational training, where possible, and

no discrimination in pay for equal work. Among methods of widening employment opportunities for workers with disabilities mentioned by the Recommendation are quotas, reserved occupations, creation of cooperatives and the establishment of sheltered workshops. The Recommendation described the role of the ILO in providing technical advisory assistance, organizing international exchanges of experience, and other forms of international cooperation including the training of rehabilitation staff. The Recommendation also included special provisions for disabled children and young persons.

The importance of access to educational and vocational guidance, vocational training, continuing employment information for people with disabilities is emphasised in **ILO Convention No. 142 concerning Human Resources Development** adopted in 1975. Its accompanying Recommendation No. 150⁸ reinforces the principle of mainstreaming in vocational guidance and training, highlights the importance of educating the general public, employers and workers in relation to the employment of persons with disabilities, and calls for adjustments in the workplace, where necessary, to accommodate disabled workers.⁹ These principles are reiterated in Recommendation No. 195 concerning Human Resources Development adopted in 2004.

ILO Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons), introduced in 1983 at the start of the UN Decade for Persons with Disabilities, calls on member States to develop a national disability policy based on the principles of equality of opportunity, equality of treatment and mainstreaming of training and employment opportunities, where possible.

A central requirement of Convention No. 159 is that the implementation of national policies be planned in consultation with the social partners, and that organizations of disabled persons should be consulted in this process. The need for community involvement in the implementation of policies is emphasized, given that most disabled people live in rural areas,

often quite remote. The importance of staff training is emphasized. Recommendation No. 168 accompanies the Convention, providing detailed guidance on its implementation.

Like Recommendation No. 99 before it, and the ILO *Code of practice on managing disability in the workplace*, introduced in 2001, Convention No. 159 understands disability as a condition of occupational disadvantage which can and should be overcome through a variety of policy measures, regulations, programmes and services.

Person with a disability

“... an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical, sensory, intellectual or mental impairment.”

ILO *Code of practice – Managing disability in the workplace*, 2001.

The Convention has now been ratified by 78 countries (July 2005). While there has been significant change in the policy and legislative environment since its adoption in 1983, the fact that it continues to be ratified – with 11 new ratifications since 2000 – reflects the growing attention being paid to disability issues and to the inclusion of disabled persons throughout the world.

The ILO *Code of practice on managing disability in the workplace* of 2001¹⁰ adds to the range of standards which the ILO uses in its work to promote the employment of disabled persons. An agreed, non-binding set of rules and procedures on the topic, the code reflects the significant changes which have taken place in the understanding of disability, and in legislation, policies and services concerning disabled persons since Convention No. 159 was adopted in 1983.

The code aims to improve employment prospects for persons with disabilities, based on equality of opportunity. It also seeks to promote a safe, accessible and healthy workplace, minimize employer

costs associated with disability among employees, and maximize the contributions which workers with disabilities can make to the enterprise.

While Convention No. 159 targets national governments, the Code is aimed primarily at enterprises of all sizes, in the public and private sectors of developing countries, highly industrialized countries, and transition economies. A broad approach is taken, including recruitment, promotion, job retention and return to work as four interlinked aspects of the process of managing disability in the workplace. In this respect, the ILO concept of disability management differs from national approaches introduced earlier which focus specifically on job retention and return to work.

The multifaceted role of workers' organizations is emphasized in the code. Their support and cooperation is required if the integration of people with disabilities into the workplace is to be achieved. They should be involved in the formulation of the enterprise disability management programme, and actively encourage workers with disabilities to join their organizations as members and assume leadership roles.¹¹ They should ensure that the interests of disabled workers are represented in workplace negotiations and that positive action measures are introduced to foster the inclusion of workers with disabilities in the workplace. They have a key role to play in sensitizing and training members on disability issues. At national-level consultations and negotiations, they can exercise their influence in advocating employment and training opportunities for disabled persons. They can provide good examples in this process by being model employers of disabled persons in their own organizations.

The code also describes the respective roles of governments and employers' organizations, as well as disabled persons' organizations in facilitating the effective introduction of disability management. Underlying this approach is the recognition that a multi-sectoral approach and the involvement of social partners and civil society are required, if the full integration

of disabled persons in the workplace and wider society is to be turned from a policy aspiration into a practical reality.

In addition to ILO standards dealing specifically with disability, the ILO seeks to eliminate discrimination and promote equality of opportunity and treatment in employment and occupation through the two fundamental ILO Conventions – the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100). It also does so through the 1998 Declaration on Fundamental Principles and Rights at Work which applies to all workers and includes principles governing freedom of association, the right to collective bargaining, and the abolition of child labour and of forced labour, in addition to the non-discrimination ILO instruments.

The principle of equality of opportunity for persons with disabilities integral to these international labour standards is reflected in the labour laws of many developing countries, developed in recent years with ILO support.

Building the knowledge base on disability policies, laws, programmes and practices

The ILO contributes to the knowledge base concerning people with disabilities through research, evaluation and identification of good practice in vocational rehabilitation, skills development, employment and self-employment. Information gathered in this way is disseminated through publications, the ILO web site, GLADNET,¹² workshops, seminars and project events. In recent years, for example, information was gathered on national approaches to job retention and return to work in selected countries. This information was widely disseminated and included on the ILO and GLADNET web sites, as well as being the topic of several international seminars. Currently, the focus is on the collection of information on effective skills development programmes for people with disabilities in selected countries

of southern Africa, and on effective strategies for skills development and access to work in community-based rehabilitation programmes in Africa, the Arab States and the Asia-Pacific region. Information is also being gathered on approaches adopted to ensure the effective implementation of legislation concerning the employment and training of disabled persons in countries of East Africa and Asia-Pacific. Examples of good practice, identified through these activities, will form the basis of guidelines to be developed for constituents. A recent survey of trade union activities relating to persons with disabilities in the Asia-Pacific region will be reflected in a video currently in preparation, illustrating how workers' organizations can make and are making a difference to the employment opportunities of disabled persons.

Advocating equal opportunity, equal treatment and non-discrimination

The international labour standards relating to disability and the *Code of practice on managing disability in the workplace* form the framework of ILO policy advice to constituents and are actively promoted through meetings, seminars and training programmes, both general and disability-specific. The ILO International Training Centre in Turin regularly conducts training courses focused on disability-related issues in training and employment, reaching constituents in different parts of the world. These activities can have a fairly rapid impact. Following regional meetings concerning disability in Bangkok, Thailand and Warsaw, Poland, for example, ILO Convention No. 159 was ratified by Fiji and Poland, and discussions have taken place regarding ratification by Sri Lanka.

Support materials have been developed to promote Convention No. 159 and the code of practice. A guide to the code for workers' organizations has been developed and will soon be published and disseminated in cooperation with the ILO Bureau for Workers' Activities. Support

has been provided to the Federation of Ugandan Employers in developing a customized version of the code, in consultation with member companies. The Office collaborated with the UK Employers' Forum on Disability in producing a global edition of the EFD's publication *Unlocking potential – The new business disability case*. The business case for employing persons with disabilities is illustrated in a video 'Ability Asia' developed in the Asia-Pacific region, later customized for the Caribbean region and soon to be produced in an African version. A further video on the role of trade unions in promoting opportunities for persons with disabilities is currently in preparation. These videos are widely used in training programmes and promotional campaigns in different regions.

In Asia, the ILO provided extensive support to the development of the Biwako Millennium Framework, which sets out targets for action in the second Asian and Pacific Decade of Persons with Disabilities, including the ratification of ILO Convention No. 159, the inclusion of persons with disabilities in vocational training programmes and the compilation of reliable data on the employment and self-employment rates of persons with disabilities. In Africa and in the Arab States, technical support has been provided in the development of Action Plans for the decades for persons with disabilities declared in these regions. In collaboration with UNESCO and the UN Special Rapporteur on Disability, the ILO supported preparations for a regional meeting for Arab parliamentarians early in 2005 with a view to improving legal protection and equalization of training and employment opportunities for people with disabilities.

In addition to its activities specifically focused on persons with disabilities, the ILO seeks to ensure that disability-related requirements are taken into account in its general activities – for example, relating to vocational training, vocational guidance, small enterprise development, poverty reduction and the development of labour laws. This approach will be further strengthened in future.

Partnership Approach

A collaborative approach has characterized ILO activities in the field of disability for many years. Beside working with its tripartite constituents, the Office works with organizations of and for people with disabilities, and other UN agencies in promoting vocational training and employment opportunities for disabled persons. In 1975, for example, reflecting its recognition of the importance of multi-sectoral collaboration among international bodies in promoting equal opportunities for persons with disabilities, the ILO called for a comprehensive campaign for vocational rehabilitation and social integration of disabled persons, in cooperation and coordination with the United Nations, its specialized agencies, and international, regional and non-governmental organizations¹³ – a campaign which was to result in the International Year of Disabled Persons and the World Programme of Action concerning Disabled Persons, among other initiatives.¹⁴ More recently, the ILO has collaborated in the World Bank initiative to establish a Global Partnership for Disability and Development (GPDD) which aims to combat the social and economic exclusion and impoverishment of people with disabilities and their families in developing countries. Partners in the GPDD work jointly and individually to accelerate the integration of disability issues and people with disabilities into their own and other mainstream social and economic development policies, programmes and budgets. This initiative provides an example of the type of partnership envisaged in Millennium Development Goal 8.

In its active participation in the process of developing a UN Convention on the Rights of Persons with Disabilities, the Office is working to ensure that the progress achieved through Convention No. 159 and other international labour standards is consolidated and that further progress is made in anchoring the human rights of persons with disabilities in international law.

Technical cooperation services

The Office demonstrates how the principles which it advocates can be effectively implemented in practice through technical cooperation projects that seek to develop and test new approaches to vocational rehabilitation, training, employment and income generation for persons with disabilities. In the past, disability-specific projects focused on developing skills training and income generation opportunities for disabled persons, sometimes through community-based rehabilitation programmes. In several Arab States (Iraq, Jordan, Oman, Palestine, Syria and Yemen), projects have been implemented to strengthen national capacity in the fields of vocational rehabilitation and employment of disabled persons. Current projects are more varied. For example, a project on Employment of People with Disabilities – The Impact of Legislation aims to enhance the capacity of national governments in selected countries of East Africa and Asia-Pacific to implement effective legislation on the employment of people with disabilities. The project has built a knowledge base on such legislation, identified the implementation mechanisms in place, highlighted improvements that may be required, and provided technical assistance to selected national governments for implementing necessary improvements. China, Ethiopia, Kenya, Tanzania-Zanzibar, Thailand, East Timor and Uganda have already benefited from technical support under the project. Guidelines on the disability law for drafters of national or federal disability policy and labour law and other relevant legislation have been developed under the project, and will be added to the set of ILO guidelines on labour law. In addition, guidelines for constituents on statistical monitoring of the employment situation of disabled persons are in preparation under the project, taking account of work in this field undertaken by the UN Statistics Division.

In Central and Eastern Europe, the Office has worked to enhance the capacity of selected Balkan Stability Pact countries to

provide vocational rehabilitation, training and employment-related services to persons with disabilities – through support to the vocational training and labour market integration of persons with mental health disabilities in Romania, and through the organization of training for vocational rehabilitation experts from Bulgaria, Moldova and Romania. In Cambodia, the ILO project Alleviating Poverty through Peer Training (APPT) has demonstrated the effectiveness of the Success-Case Replication methodology, involving informal and village-based apprenticeships, to enable people with disabilities to improve their livelihoods. Successful entrepreneurs train others to replicate their businesses by imparting practical skills in both the technical and business aspects of setting up a micro business. After training, the project provides small grants, loans and business development services to project beneficiaries so that their dreams for a better life become reality.

A further example is the project Developing Entrepreneurship among Women with Disabilities which is testing a strategy by which women with disabilities can optimize their income-earning potential and escape from poverty. This project, managed by disabled women themselves, involves promoting economic empowerment among women with disabilities and women with disabled dependants, by providing training in micro-enterprise skills, arranging access to vocational skills training and credit and supporting the women to start a business activity or develop an existing one. Following the testing of this strategy in two regions of Ethiopia, preparations are now under way to replicate it in other regions of the country and other countries of Africa, in close collaboration with an ILO project dealing with strengthening women's entrepreneurs' associations. This mainstream project is now committed to including women entrepreneurs with disabilities in its activities to strengthen women entrepreneurs' associations in East and southern Africa.

The inclusion of people with disabilities in ILO technical cooperation projects

is not new. The ILO Employment Generation Programme (EGP) in Cambodia in the 1990s, explicitly targeted disabled persons along with non-disabled persons in its labour-based infrastructure development and vocational training activities. The current project on Skills Development for the Reconstruction and Recovery of Kosovo does the same. ILO projects in countries emerging from armed conflict place a major focus on the reintegration of disabled soldiers and civilians. These examples illustrate how a disability component can be included in projects with little difficulty, particularly if this is planned at the design stage.

ILO tackling disabling environments – a leading role

Through its international labour standards, promotional activities, knowledge-building and technical cooperation services, the ILO has played a significant international role in the field of disability, reflecting the growing recognition of the rights and abilities of persons with disabilities. The concepts of reasonable accommodation and affirmative action, now seen as key elements of modern disability laws, have been promoted by the ILO through its international labour standards for many years. The concept of return to work of disabled workers has also featured strongly. The ILO standards concerning disability, combined with other ILO instruments concerning discrimination, strengthen the trend towards bringing people with disabilities in from the margins of society and enabling them to participate as fully as possible.

As societies move forward and people with disabilities increasingly take their place alongside non-disabled persons in all aspects of life, it is important to ensure that the changes which are introduced take into account the diverse needs of people with different types and levels of disability. In relation to skills development, for example, while the move to mainstreaming is welcomed, it is important to ensure

that this process is adequately planned and resourced, through induction training for vocational centre managers and instructors, and that, where people with disabilities are not in a position to avail themselves of these opportunities, they are given access to skills training which is up to standard and prepares them adequately for labour market opportunities and the world of work. It is also important to ensure that the specialist knowledge, built up over many years in special centres, is tapped and applied to the benefit of disabled persons in the new approaches. The same consideration applies to vocational guidance and employment services. While many workers with disabilities will be able to find employment in the open labour market, with adaptations and supports if required, it is important to recognize that some will not be able to do so and that alternative forms of employment are needed on a transitional basis. These alternatives should be useful and remunerative, meet labour standards and provide opportunities for vocational advancement and transfer to open employment when possible.

Given its prominent international role and accumulated experience in the field of disability over many years, the ILO is well placed to participate in current debates and to support constituents in developing and implementing new approaches which lead to a real improvement in the quality of life of all persons with disabilities.

Notes

¹ The global cost of having so many disabled people out of work has been estimated at between US\$1.37 trillion and US\$1.94 trillion (Robert L. Metts (2000), *Disability Issues, Trends and Recommendations for the World Bank*, World Bank, Washington).

² Based on the World Health Organization's estimate that 10 per cent of the world's population have a disability and United Nations World Population Prospects, 1998 Revision, UN, New York, 1999.

³ Recommendation (No. 22) concerning the minimum scale of workmen's compensation, 1925.

⁴ Recommendation (No. 71) on employment services; Medical Examination of Young Persons (Industry) Convention (No. 77), 1946; Medical Examination of Young Persons (Non-Industrial Occupations)

Convention (No. 78), 1946; Medical Examination of Young Persons Recommendation (No. 79), 1946; Employment Service Convention (No. 88), 1948; Employment Service Recommendation (No. 83), 1948.

⁵ Social Security (Minimum Standards) Convention (No. 102), 1952, Article 35.

⁶ Vocational Rehabilitation (Disabled) Recommendation (No. 99), 1955.

⁷ ILO, *Vocational rehabilitation and employment of disabled persons*, 1998.

⁸ Human Resources Development Recommendation (No. 150), 1975.

⁹ Human Resources Development Convention (No. 142), 1975.

¹⁰ ILO *Code of practice – Managing disability in the workplace*, 2001.

¹¹ ILO, *Integrating workers with disabilities in trade unions*, 1998.

¹² GLADNET – the Global Applied Disability Information and Research Network on Training and Employment – is a global community of researchers and policy-makers. See www.gladnet.org

¹³ Resolution concerning Vocational Rehabilitation and Social Reintegration of Disabled or Handicapped Persons, adopted 24 June 1975.

¹⁴ O'Reilly, A. 2003. *The right to decent work of persons with disabilities*. IFP/SKILLS Working Paper No. 14, ILO, Geneva.
