

# **China Country Profile**

**March 2003**

## **Employment of People with Disabilities: The Impact of Legislation (Asia and the Pacific)**

*Prepared by the ILO InFocus Programme on  
Skills, Knowledge and Employability  
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# Table of Contents

<b>1. INTRODUCTION .....</b>	<b>1</b>
<b>2. CONTEXT.....</b>	<b>3</b>
2.1 PEOPLE WITH DISABILITIES.....	3
<b>3. LEGISLATIVE FRAMEWORK .....</b>	<b>5</b>
3.1 CONSTITUTION OF CHINA 1988.....	6
3.2 LAW OF THE PEOPLE’S REPUBLIC OF CHINA ON THE PROTECTION OF DISABLED PERSONS 1990.....	6
3.2.1 <i>General employment-related provisions</i>	6
3.2.2 <i>Provisions concerning non-discrimination in employment</i>	7
3.2.3 <i>Provisions concerning active measures for employment promotion</i>	7
3.2.4 <i>Training and education-related provisions</i>	8
3.2.5 <i>Other employment-related provisions</i>	8
3.3 LABOUR ACT 1994.....	8
3.4 THE VOCATIONAL EDUCATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA 1996.....	8
3.5 INTERNATIONAL COMMITMENTS .....	9
<b>4. IMPLEMENTATION .....</b>	<b>11</b>
4.1 INSTITUTIONAL FRAMEWORK.....	11
4.1.1 <i>State Council Coordination Committee on Disability (NCC)</i>	11
4.1.2 <i>Coordination Committee of the State Council for Work concerning Disabled Persons</i>	11
4.1.3 <i>Local Coordination Committees (LCC)</i>	12
4.1.4 <i>China Disabled Persons’ Federation (CDPF)</i>	12
4.1.5 <i>Ministry of Labour and Social Security</i>	12
4.1.6 <i>Ministry of Finance</i>	12
4.2 POLICY.....	12
4.2.1 <i>Open employment through the quota scheme</i>	13
4.2.2 <i>Self-employment and group employment</i>	14
4.2.3 <i>Welfare enterprises</i>	14
4.3 CONSULTATIVE MECHANISMS .....	15
4.4 ENFORCEMENT.....	15
4.5 EMPLOYMENT PROMOTION MEASURES .....	15
4.5.1 <i>Employment Services</i>	15
<b>5. OUTCOMES AND IMPACT .....</b>	<b>19</b>
5.1 OPEN EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES .....	19
5.1.1 <i>The quota scheme for the employment of persons with disabilities employment security fund</i>	19
5.1.2 <i>Open employment opportunity for persons with disabilities in rural areas</i>	20
5.2 EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES IN PROTECTED WORK ENVIRONMENTS .	21
5.2.1 <i>Protected work environment for persons with disabilities in China</i>	21
5.2.2 <i>Welfare enterprises</i>	21
5.2.3 <i>Massage of persons with visual disabilities</i>	22
5.3 SELF-EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES .....	22
5.3.1 <i>The development of self-employment for persons with disabilities</i>	22
5.3.2 <i>Employment in community services</i>	23
5.4 OTHER SEGREGATED OR PROTECTED EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES....	23
5.5 BARRIERS AND GAPS.....	23
<b>6. CONCLUDING COMMENT .....</b>	<b>25</b>

## List of Tables

Table 1.	<i>Laws concerning education and employment for persons with disabilities</i> .....	5
Table 2.	<i>Number of Employment Services Centres (ESCs) per governmental level</i> .....	14
Table 3.	<i>Number of persons with disabilities of employment, stable employment, and unemployment in rural areas</i> .....	21
Table 4.	<i>The enterprises, workers and annual outputs</i> .....	21

## List of Figures

Figure 1.	<i>Percentage of implementation of quota scheme at prefecture, city and county levels from 1996 to 2000</i> ...	19
Figure 2.	<i>Employment development of persons with disabilities from 1996 to 2000 in categories</i> .....	20
Figure 3.	<i>Employment development of persons with disabilities in urban areas from 1996 to 2001</i> .....	20
Figure 4.	<i>Total employment of persons with disabilities in private enterprise and self-employment in urban areas in China from 1993 to 2000 (Unit: 10,000 persons)</i> .....	22
Figure 5.	<i>Employment rate during 1996 to 2000 in urban/rural and different geographic areas</i> .....	24

## 1. INTRODUCTION

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983) policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Countries in Asia and Pacific have made considerable progress in introducing legislation concerning the equalisation of opportunities for persons with disabilities, particularly during the Asian and Pacific Decade of Disabled Persons 1993-2002. Many of these laws have yet to be effectively implemented, however. The Biwako Millenium Framework for Action toward an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific refers to this in identifying critical issues to be tackled in the second decade which will span the period 2003 – 2012:

‘The challenge of integrating and including persons with disabilities in the economic mainstream has not been met. Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.’

The question of the effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation anti-discrimination or employment equity legislation - is central, not only in terms of the economic rights of disabled people, but also to their broader social and political rights, which are closely linked to economic empowerment.

This country study for China is part of the ILO project ‘Employment of People with Disabilities – the Impact of Legislation’ which aims to enhance the capacity of national governments in selected countries of Asia and East Africa to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in selected countries of Asia and the Pacific (Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand), the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

The country study outlines the main provisions of the laws in place in China concerning the employment of people with disabilities. A brief review of the implementation of the legislation is also provided, insofar as this was possible, based on a survey of documentary sources, a study by an in-country consultant and feedback from Chinese delegates to a Project Consultation held in Bangkok, 17 January 2003. It may be read in conjunction with the regional overview prepared for this Consultation ‘*Employment of People with Disabilities – the Impact of Legislation (Asia and the Pacific)*. Project Consultation Report, Bangkok 17 January’, ILO 2003.



## 2. CONTEXT

China is the one of the world's most ancient civilizations with a recorded history of nearly 4,000 years. China, the most populated country with 1.28 billion citizens, has been remarkably successful in achieving high and sustained economic growth rates, maintaining high levels of employment and reducing poverty in the last two decades. China has chosen its own way of economic and social reforms, characterized by gradualism, experimentation and strong reliance on initiatives from the bottom - of people, communities and enterprises, for which the central government has gradually removed obstacles and created enabling conditions.

With a population of 1,295,330,000,<sup>1</sup> China is ranked 87 out of 162 on the UNDP Human Development index (HDI), according to the UNDP Human Development Report of 2001. Four key indicators used to calculate the HDI; longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 68.3 years for men and 72.5 years for women.
- Educational Attainment, measured as gross enrolment ratio was 73 per cent for both men and women.
- Standard of Living, measured as annual per capita GDP, was US\$ 3617 in 1999.
- Adult Literacy Rate was 91.2 per cent for men and 75.5 per cent for women.

The GDP (purchasing power parity) was \$4.5 trillion in 2000.<sup>2</sup> The labour force was 700 million in 1998<sup>3</sup> and the unemployment rate in urban areas was roughly 10 per cent. It was estimated in 2000 that there was substantial unemployment in rural areas<sup>4</sup>. Agriculture is the main employer (50 per cent), the remaining labour force is divided equally between industry (24 per cent) and services (26 per cent).

### 2.1 *People with disabilities*

There are 60 million persons with disabilities in China (5 per cent of the population of 1.2 billion).<sup>5</sup> There are 8.77 million physically disabled people, 20.57 million hearing disabled people, 8.77 million visually disabled people, 11.82 million people with mental handicap, 2.25 million people with psychiatric disabilities and 7.82 million people with multiple disabilities in China.<sup>6</sup>

There were 25.08 million disabled people of working age who have working ability. Of these, 20.58 million live in rural areas and 4.5 million live in city and township areas.<sup>7</sup> According to the ILO Convention 159 Government Response 1999<sup>8</sup> there are 4500 thousand disabled persons in urban areas whose conditions are suitable for employment, 3301 thousand of which were employed creating an employment rate of 73.3 per cent. The assistance provided to disabled persons in rural

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<sup>1</sup> Statistical Communiqué 2000, National Bureau of Statistics of the People's Republic of China, 2002.

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Developing an Effective Placement Service for People with Disabilities, Report of a Technical Consultation organised by ILO EASMAT in collaboration with UNESCAP and Government of Singapore, Singapore 1999 p51

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> Report on the Application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) to the ILO, 1 June 1993 to 31 May 1999, Article 3 Part II Principle of Vocational Rehabilitation and Employment Policies for Disabled People

areas in activities such as crop growing, animal husbandry and other forms of productive labour contribute to the employment rate of 88 per cent (10.03 million disabled persons in stable employment).

### 3. LEGISLATIVE FRAMEWORK

China's legislative power rests with the National People's Congress. However, due to limited time and support, in reality the Standing Committee is vested with the power by the Constitution to enact and amend laws (there are some exceptions notably the Constitution). Additionally, the State Council and local governments also have some restricted lawmaking powers. The State Council as the executive body of the highest organ of State has the power to adopt administrative measures, enact administrative rules and regulations and issue decisions and orders in accordance with the Constitution and the law. Ministries and commissions of the State Council are also entitled by the Constitution to issue orders, directives and regulations within their respective departments and in accordance with the law and administrative rules and regulations issued by the State Council. Furthermore, people's congresses of provinces and municipalities directly under the Central Government and their Standing Committees may adopt local regulations, but again they must not contravene the constitution laws or administrative regulations.

The Law of the People's Republic of China (PRC) on the Protection of Disabled Persons 1990 is the main legal instrument for the promotion of employment of people with disabilities, while both the 1988 Constitution of China and the Labour Act 1994 contain disability related provisions. Major laws concerning education for persons with disabilities include the Vocational Education Law of PRC. Other laws which contain provisions of relevance to the employability of disabled persons are included in Table 1 below.

**Table 1. Laws concerning education and employment for persons with disabilities**

<b>Legal document</b>	<b>Points related to vocational training and employment or persons with disabilities</b>
The Constitution of PRC, Amendment 1999	<ul style="list-style-type: none"> <li>▪ Education right protection</li> <li>▪ Work right protection</li> <li>▪ Rest right protection</li> <li>▪ Material assistance for disabled persons</li> </ul>
The Law of PRC on the Protection of Disabled Persons	<ul style="list-style-type: none"> <li>▪ Protection of rights for disabled persons</li> <li>▪ Special assistance for disabled persons</li> <li>▪ Special assurance from state and society</li> <li>▪ Responsibility and style of education</li> <li>▪ Principle of development of education and channels of education</li> <li>▪ Methods of ordinary education, special education and Adult education</li> <li>▪ Teaching Staff training and allowances</li> <li>▪ Responsibilities of employment</li> <li>▪ Concentrative employment, dispersed employment, Self-employment and rural labour</li> <li>▪ Preferential treatment and assistance for welfare enterprises and institutions for disabled persons and self-employed disabled workers in urban and rural areas</li> <li>▪ Protection of property ownership and managerial decision-making power of welfare enterprises and institutions for disabled persons</li> <li>▪ Training of employee</li> </ul>
Labour Law of PRC	<ul style="list-style-type: none"> <li>▪ Apply special stipulations where there are special stipulations in laws, rules and regulations on the employment of the disabled, the personnel of national minorities, and demobilized army men.</li> <li>▪ Social security for persons under the circumstances such as retirement, illness or injury, disability caused by the work-related injury or occupational disease, unemployment; and child-bearing. The survivors of the insured labourers shall be entitled to subsidies for survivors in accordance with the law.</li> </ul>
Compulsory Education Law of PRC	<ul style="list-style-type: none"> <li>▪ Local governments' responsibility to establish special schools (or classes) for children and adolescents who are blind, deaf-mute or retarded.</li> </ul>
Vocational Education Law of PRC	<ul style="list-style-type: none"> <li>▪ Government's responsibility to support the development of vocational education for the disabled.</li> </ul>

Legal document	Points related to vocational training and employment or persons with disabilities
	<ul style="list-style-type: none"> <li>▪ Equal opportunity for disabled students to receive vocational education in various vocational schools at different levels.</li> <li>▪ Tuition reduction and exemption for the disabled.</li> </ul>
The Higher Education Law of PRC	<ul style="list-style-type: none"> <li>▪ Equal opportunity for disabled to receive higher education</li> </ul>
The Education Law of PRC	<ul style="list-style-type: none"> <li>▪ State's responsibility of development of education for disabled.</li> <li>▪ Special assurance and assistance for disabled persons' education by state, society, schools and other educational institutions.</li> </ul>

### ***3.1 Constitution of China 1988***

The Constitution prohibits discrimination against disabled persons “Disabled persons enjoy the same rights as other citizens in respect of political, economic, cultural and social aspects as well as family life...” Furthermore, “...it is forbidden to discriminate against insult or harass disabled persons...”<sup>9</sup>

The Constitution not only grants all the citizens of China “...the right to material assistance from the state and society when they are...disabled...”<sup>10</sup> but also ensures “..the livelihood of disabled members of the armed forces...”. In addition, the state is obliged to “...help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped persons.”<sup>11</sup>

### ***3.2 Law of the People's Republic of China on the Protection of Disabled Persons 1990***

The Act defines both “disabled person” and “disabled persons”. A “disabled person” is defined as a “...person who suffers from abnormalities or loss of a certain organ or function, psychologically or physiologically, or in anatomical structure and has lost wholly or in part the ability to perform an activity in the way considered normal...”. The term "disabled persons" is defined as those persons “...with visual, hearing, speech or physical disabilities, intellectual disability, mental disorder, multiple disabilities and/or other disabilities...”<sup>12</sup>.

The same article grants the State Council with the power to establish the criteria for the classification of disabilities.

#### **3.2.1 General employment-related provisions**

The State is obliged to protect the “disabled persons' right to work” and in this respect the people's government is vested with the authority “to formulate overall plans on the employment of disabled persons and create conditions for their employment.”<sup>13</sup>

This general obligation is further clarified as following the principle “...of combining concentrated job placement with dispersed job placement.” In addition, the Act stipulates “...preferential policies and measures of support and protection shall be adopted with a view to gradually popularising, stabilizing and rationalizing employment of disabled persons through multiple channels...”<sup>14</sup>.

<sup>9</sup> Constitution of China 1988 Article 3

<sup>10</sup> Ibid Article 45

<sup>11</sup> Ibid Article 45.3

<sup>12</sup> Law of the People's Republic of China on the Protection of Disabled Persons 1990 Article 2

<sup>13</sup> Ibid Article 27

<sup>14</sup> Ibid Article 28

The Act promulgates that “...the promotion of the employment of disabled persons`” should take a multi-departmental approach. “...The people's government at all levels and concerned departments should organize and provide guidance in this regard.”<sup>15</sup>

### **3.2.2 Provisions concerning non-discrimination in employment**

Discrimination both direct and indirect is prohibited by the Act. With regard to direct discrimination it is stated “...No discrimination shall be practised against disabled persons in recruitment, employment, granting of permanent employee status, promotion, determining technical or professional titles, payment, welfare, labour insurance or in other aspects.” The Act further prohibits denial of employment to graduates “...of higher learning, polytechnic schools or technical schools solely on the ground of their disabilities. The action propounded in the event of a violation is an “...appeal to the concerned departments for disposition...” and instruction to “...the concerned enterprises or institutions to accept the said graduates.”

Indirect discrimination is prohibited in so far as the state is obliged to “...protect the property ownership and the managerial decision-making power of welfare enterprises and institutions for disabled persons...” and “enterprises and institutions where disabled persons work shall provide the disabled workers with appropriate working conditions and labour protection.”<sup>16</sup>

### **3.2.3 Provisions concerning active measures for employment promotion**

The Act propounds a number of active measures for the promotion of employment including an employment quota, policies to assist disabled people into the workplace as well as incentives to work.

In respect of the employment quota the Act stipulates “...state organs, non-governmental organizations, enterprises, institutions and urban and rural collective economic organizations should employ a certain proportion of disabled persons in appropriate types of jobs and posts.” With regard to the specific ratio, it is to be “...determined by the people's government of provinces, autonomous regions and municipalities directly under the Central Government and in line with the actual conditions...”<sup>17</sup> The concerned governmental departments are vested with the authority to determine “...the quota for recruiting and employing workers and staff members”, this is limited by the proviso “...a certain proportion of the quota to disabled persons.”<sup>18</sup>

Assistance is mandated in respect of the “...production, management, technology, capital, supply of materials, work sites and other aspects.” The local people's government and the concerned departments have the authority to “...determine the types of products suitable for production by disabled persons, give priority to welfare enterprises for disabled persons to produce such products and gradually determine which products are to be produced exclusively by such enterprises.”

The state is to aid the provision of concentrated employment for disabled persons by instructing the establishment “...of welfare enterprises for disabled persons, work-rehabilitation centres, Tuina massage hospitals and clinics and other enterprises and institutions of a welfare nature...”<sup>19</sup>

In addition, the concerned governmental departments are to “...encourage and assist disabled persons to obtain employment through voluntary organizations or to embark on self-employment ventures.”<sup>20</sup> Specific reference is made to rural grassroots organizations to “...organize and support

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<sup>15</sup> Ibid Article 30

<sup>16</sup> Ibid Article 34

<sup>17</sup> Law of the People's Republic of China on the Protection of Disabled Persons 1990 Article 30

<sup>18</sup> Ibid Article 33

<sup>19</sup> Ibid Article 29

<sup>20</sup> Ibid Article 31

disabled persons in the rural areas to engage in farming, horticulture, animal husbandry, as well as handicraft and other forms of production..." in conjunction with the local people's government.<sup>21</sup>

Generally, it is stated "...the concerned departments shall provide assistance for disabled persons engaged in various kinds of labour in the rural areas by way of production services."

Incentive policies included in the Act include the implementation "...of a policy of tax reduction or exemption in relation to welfare enterprises and institutions for disabled persons and self-employed disabled workers in urban and rural areas..." as well as giving "...priority to disabled persons who apply for licences as self-employed workers or entrepreneurs and give them preferential treatment in allotting work sites and loans, and in other ways."

### **3.2.4 Training and education-related provisions**

Training and education are integral to employment. The Act guarantees "the right of disabled persons to education"<sup>22</sup> In particular; it stipulates, "...Departments of education, welfare enterprises and institutions and other service organizations for disabled persons should create conditions for rehabilitation training activities."<sup>23</sup> With regard to "Enterprises and institutions where disabled persons work..." provision of "...technical training for disabled employees, with a view to upgrading their skills and techniques..."<sup>24</sup> are deemed compulsory by the Act.

In addition there are *Regulations on the Education of Persons with Disabilities 1994* "...for the purpose of safeguarding the right of persons with disabilities to education and developing educational undertakings for Persons with Disabilities..."<sup>25</sup>

### **3.2.5 Other employment-related provisions**

When the above Law came into force on 15 May 1991, the People's Representative Assemblies throughout China directly under the central government developed, *Schemes for Implementing the Law for the Protection of Disabled Persons*. The schemes contain detailed provisions for mass employment, dispersed proportionate employment and self employment of disabled persons.

## **3.3 Labour Act 1994**

The Act ensures enjoyment of "...social insurance benefits..." for Labourers as a result of illness, injury or "...disability caused by work related injury or occupational disease..."<sup>26</sup>

Significantly, reference is also made to "...special stipulations in [other] laws, rules and regulations on the employment of the disabled..." affirming their applicability to this Act.<sup>27</sup>

## **3.4 The Vocational Education Law of the People's Republic of China 1996**

The Law stipulates "The State adopts measures to enable women to receive vocational education, organize the unemployed to receive different forms of vocational education, and support the development of vocational education for the disabled."<sup>28</sup>

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<sup>21</sup> Ibid Article 32

<sup>22</sup> Ibid Article 18

<sup>23</sup> Ibid Article 15

<sup>24</sup> Ibid Article 35

<sup>25</sup> Regulations on the Education of Persons with Disabilities 1994, Article 1

<sup>26</sup> Labour Act 1994 Chapter IX, Section 73

<sup>27</sup> Ibid Chapter I, Section 14

<sup>28</sup> The Vocational Education Law of PRC, Article 7.

According to the Law, disabled persons have equal opportunity for disabled students to receive vocational education in various mainstream vocational schools at different levels in addition to special vocational education schools and vocational educational institutions.<sup>29</sup>

The Law promulgates that “vocational schools and vocational training institutions may charge their students receiving secondary or tertiary education or training an appropriate sum of tuition, but they should, at their discretion, reduce the tuition of the students who have financial difficulties or who are disabled or exempt them from tuition.”<sup>30</sup>

### ***3.5 International commitments***

China ratified Convention 159 in February 1988 and became a signatory to the Proclamation on the full Participation and Equality of People with Disabilities in the Asian and Pacific Region on 1 September 2001.

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<sup>29</sup> Ibid. Article 15.

<sup>30</sup> Ibid. Article 32.



## 4. IMPLEMENTATION

### 4.1 *Institutional framework*

There are a number of government committees concerned with the employment of disabled persons. The State Council Coordination Committee on Disability (NCC), Local Coordination Committees (LCC), the China Disabled Persons' Federation (CDPF) and the Coordination Committee of the State Council for Work Concerning Disabled Persons play pivotal roles in the promotion of employment for disabled job seekers and employment support for disabled employees.

The Ministry of Labour is the main government department responsible for the employment of people with disabilities. The Ministry of Public Health, the Ministry of Finance and the Ministry of Education also have an impact upon this area.

#### 4.1.1 **State Council Coordination Committee on Disability (NCC)**

The main function of the committee is coordinating the formulation and application of national guidelines, policies, statutes, plans and programs concerning disabled persons.<sup>31</sup> The committee meets in regular sessions, formulates work plans and assesses their implementation and submits an annual work report. It also examines and proposes amendments on all laws and statutes of the state with respect to the affairs of disabled persons. It is composed of representatives from thirty-four ministries and representatives from other organisations.

In order to ensure stability in the employment of disabled workers, in the *1998 Notice on Ensuring Basic Living Conditions and Encouraging Re-Employment of Disabled Persons Formerly Working in State Run Enterprises Who Lost Their Jobs as a Result of a Reduction in Force* the Central Committee of the Chinese Communist Party and the State Council gave particular emphasis to “preventing, as far as possible, disabled persons from losing their jobs as a result of a reduction in force”.<sup>32</sup>

The Coordination Committee for Disabled Persons under the State Council, the Office of the Leadership Group for Poverty Reducing Development under the State Council, the People's Bank of China, The Ministry of Finance, the Agricultural Bank of China and the Chinese Federation of Disabled Persons jointly formulated the *Scheme of Poverty-Reducing Development for Disabled persons in Rural Areas (1998-2000)*. This scheme is under the coordinated leadership of the Leadership Group for Poverty Reducing Development under the State Council. It is mainly through the distribution of loans for rehabilitation and poverty reduction that the State helps disabled persons in rural areas take up crop growing, animal husbandry, handicrafts and household sideline production and direct support is given to the disabled poor in the form of small loans.<sup>33</sup>

#### 4.1.2 **Coordination Committee of the State Council for Work concerning Disabled Persons**

This committee is a subcommittee of the Central Council solely concerned with the employment of people with disabilities.

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<sup>31</sup> Report of the Chinese Government on the Implementation of Recommendation concerning Vocational Rehabilitation and Employment (Disabled Persons) Number 168

<sup>32</sup> Report on the Application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) to the ILO, 1 June 1993 to 31 May 1999 Response to Article 2

<sup>33</sup> Ibid Response to Article 2

#### **4.1.3 Local Coordination Committees (LCC)**

These committees are coordinating wings of the State Council Coordination Committee on Disability (NCC) and are present at provincial, municipal and local government level. Their main function is the execution of State Council orders and national programmes.

#### **4.1.4 China Disabled Persons' Federation (CDPF)**

The CDPF and its local branches at all levels are the principal representative bodies of people with disabilities. Whilst they do provide direct services, their main role is acting as the NCC secretariat. Thus, the CDPF not only participates in NCC and LCCs but also monitors the implementation of NCC decisions and facilitates NCC functioning. In addition, the National People's Congress consults with CDPF in the amendment of laws.

The Federation and its local branches operate employment and vocational services through its employment service centres at different levels. These consist of acquiring knowledge, disseminating information on national policies and legislation including discussions to solve new work issues. It, in collaboration with the Ministry of Labour and the ILO has organised two training courses.<sup>34</sup>

The China Disabled Persons Federation and the Beijing City Government jointly sponsor Beijing Hearing and Language Recovery Technology College. It plans to train 500 teachers for local hearing and language recovery centres across the country by 2005.

#### **4.1.5 Ministry of Labour and Social Security**

The Ministry of Labour and Social Security operates at both central and local level. It has initiated the establishment of vocational training centres and employment and vocational service facilities throughout the country, in accordance, with the Framework for the Ninth Five Year Plan to "establish and improve employment services for disabled persons at the provincial, municipal and county levels".

#### **4.1.6 Ministry of Finance**

The Ministry issued Interim Regulations Concerning the Employment Protection Fund (levy and grant system for quota system). These regulations are to be implemented strictly so as to ensure that the Fund will be used exclusively for the purpose of disabled persons.

### **4.2 Policy**

The State Council approved and promulgated the Framework of Undertakings for Disabled Persons During Ninth Five-Year Work Programme in China (1996-2000), which followed the Eighth Five-Year Work Programme on Disability in China (1991-1995) and the Seventh Five-Year Work Programme on Disability in China (1988-1992).

The two main goals of the most recent programme were firstly, the full implementation of the quota scheme policy and secondly, increasing the employment rate of persons with disabilities by eighty per cent. The main measures instigated to achieve these goals were firstly, the improvement of employment service providers so as to ensure they are fully informed of the labour resources of the disabled and the needs of the employers in their respective areas. Secondly, conducting job training and assisting disabled persons in self-employment and collective employment as well as improving their work conditions. Thirdly, mounting a publicity campaign for the quota scheme, the

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<sup>34</sup> Report on the Application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) to the ILO, 1 June 1993 to 31 May 1999 Response to Article 9

provision of job orientated training in response to the needs of their potential employers. Fourthly, the improvement of the management of welfare enterprises including improving the working conditions of disabled workers and implement preferential policies and measures. Finally, the encouragement of self-employment of disabled persons; through favourable licensing and funding as well as increasing all round farm services for disabled persons.

After the Framework of Undertakings for Disabled Persons During the Ninth Five Year Plan in China was approved by the State Council in April 1996, the Chinese Federation of Disabled Persons, the Ministry of Labour, the Ministry of Civil Affairs, the State Administration of Industrial and Commercial Enterprises and the General Tax Bureau of the State jointly formulated an agenda on *Employment of Disabled Persons During the Ninth Five Year Plan* setting out in detail the objectives, measures and steps to be carried out for the employment of disabled persons during the ninth Five Year Plan.

In this regard, China has promoted three types of employment, open employment through the quota scheme, self-employment and group employment and thirdly, welfare enterprises established to provide sheltered employment for disabled persons.

#### **4.2.1 Open employment through the quota scheme**

With regard, to Article 30 of the Law for the Protection of Disabled Persons which stipulates that “Offices, organisations, enterprises, institutions, urban and rural collective economic bodies should arrange a specified proportion of employment for disabled persons and select appropriate occupations and posts for them.” a number of policies were instigated.

At the end of 1992, the State Commission of Planning, the Ministry of Labour, the Ministry of Civil Affairs and the Chinese Federation of Disabled Persons agreed that pilot projects for the proportionate employment of disabled persons be initiated in Shanghai and eight other cities. In 1996 it was decided that a quota system for the employment of disabled persons be implemented throughout the country (the quota rate being 1.5 –2 per cent). In this regard, all the provinces, autonomous regions and municipalities directly under the Central Government had to issue a *Scheme for Proportionate Employment of Disabled Persons* in the form of a government decree or government document. Establishments that have not met the targets for employment of disabled persons must make a contribution to an unemployment insurance fund for disabled persons calculated on the basis of the average salary of a local worker in the previous year. The fund is to be used specifically for vocational rehabilitation and employment services for disabled persons.<sup>35</sup>

By the end of 2001, all provinces, autonomous regions and municipalities under the central Government had established bylaws for the Implementations of the Law of the People’s Republic of China on the Protection of Disabled Persons and the Quota Scheme. In addition, 24 provinces and autonomous regions had established regulations of construction with barrier-free facilities and 85 per cent of counties and nearly 60 per cent of villages and towns had established regulations for assistance to persons with disabilities. By the end of 2001, there are 2,493 counties, 24,402 town and 280,911 villages had established special regulations for the assistance to the persons with disabilities at respective levels.<sup>36</sup> By the end of 2001, the quota scheme had been implemented in 30 provinces, auto regions and municipality directly under the central Government, 68 regions, 660 prefecture and cities, 719 districts under cities, and 1469 counties.<sup>37</sup>

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<sup>35</sup> Report on the Application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) to the ILO, 1 June 1993 to 31 May 1999 Response to Article 3

<sup>36</sup> China Statistical Yearbook of Undertaking of Persons with Disabilities, 2002

<sup>37</sup> China Statistical Yearbook of Undertaking of Persons with Disabilities, 2002.

Employment Service Centres were established by the government to aid the implementation of the quota scheme through the provision of job placement services incorporating evaluation of employment, vocational guidance, occupational guidance, follow-up after employment and other services.

The table below portrays the Number of Employment Service Centres for People with Disabilities at the end of 1998.<sup>38</sup>

**Table 2. Number of Employment Services Centres (ESCs) per governmental level**

Level of Employment Service Centres (ESC)	Number of ESCs for People with Disabilities
Municipal	676
Provincial	29
District	2612
Total	3317

The table shows that the highest number of employment service centres exist at district level and the lowest number at provincial level. Additional information showed 7731 full time employment service workers in charge of the registration of disabled persons.

**4.2.2 Self-employment and group employment**

The state has introduced preferential policies and support measures to encourage disabled persons to pursue self-employment or establish group enterprises. 75,000 disabled persons establish their own businesses or collective enterprises each year.<sup>39</sup>

The Ministry of Labour and Social Security, Ministry of Finance, State Administration for Industry and Commerce, and the China Disabled Persons’ Federation issued the Positive Support of Self-employment and Volunteering Group Employment Notice. It regulates the application process and requirements of self-employment, responsibility of Department of Industry and Commerce administration, reduction and exemption of tax and charges, and special assistance from the CDPF system.

**4.2.3 Welfare enterprises**

Welfare enterprises (sheltered enterprises) were initiated to provide employment for disabled people and granted financial incentives in the form of tax incentives. Not less than 35 per cent of employees of the enterprises are required to be disabled persons. China has more than 60,000 welfare enterprises employing more than 90,000 disabled persons.<sup>40</sup>

The State Administration for Industry and Commerce and the State Administration of Taxation both work with the Ministry of Labour, particularly with regard to the financial incentives provided in the above two forms of employment. The former provides assistance for self-employment and the latter administers tax reduction and tax exemption stipulations for social welfare enterprises as well as self employed disabled persons in accordance with the law.

The Ministry of Labour and Social Security the Chinese Disabled Persons` Federation issued a Notice on Ensuring Basic Living Conditions and Encouraging Re-Employment of Disabled Persons Who Lost Their Jobs as a Result of a Reduction in Force with a view to implementing the 1998 Notice on Ensuring Basic Living Conditions and Encouraging Re-Employment of Disabled

<sup>38</sup> Ibid Response to Article 3

<sup>39</sup> Developing an Effective Placement Service for People with Disabilities, Report of a Technical Consultation organised by ILO EASMAT in collaboration with UNESCAP and Government of Singapore, Singapore 1999 p52

<sup>40</sup> Ibid p51

Persons Formerly Working in State Run Enterprises Who Lost Their Jobs as a Result of a Reduction in Force.<sup>41</sup>

### **4.3 Consultative mechanisms**

The 1999 Country Report on Convention 159<sup>42</sup> states that “when formulating laws, legislation and policies concerning disabled persons, the government always consults the Chinese Disabled Persons Federation, the All China Federation of Trade Unions and the Chinese Federation of Enterprise Societies.” In addition “when implementing national policies, frequent contact is also maintained with the Federations for disabled persons, trade unions and enterprise societies.”

The State Council Coordination Committee on Disability (NCC) coordinates all ministries concerned with persons with disabilities and ensures with regard to the implementation process all the different sectors act in unison. The Local Coordination Committees perform this task at a local level. The Council itself is composed of representatives not only of different ministries but also of organisations of disabled persons. The China Disabled Persons’ Federation is an active participant of the State Council and in addition works with the, Ministry of Labour, Ministry of Health, Ministry of Justice, Ministry of Culture, State Education Committee and the Office of the Leading Group for Poverty Alleviation of the State Council.

### **4.4 Enforcement**

The national and local NPC and governments at all levels, together with the representatives from CDPF, carry out inspection of enforcement of laws and regulations for persons with disabilities. The governments at all levels implemented special inspections of *Law of the People’s Republic of China on the Protection of Disabled Persons*, including 117 inspections at provincial level, 1,186 at city level and 8,967 at county level. The employment security fund (ESF), a levy and grant system, plays an important role in promotion and service of employment for persons with disabilities. The management and usage of the employment security fund is one of the main tasks for the employment-service institutions under the CDPF system. The CDPF demands its local branches and the employment-service institutions to abide strictly by and earnestly implement the Provisional Rules on the Management of the Employment security funds for the Persons with Disabilities to manage and use the fund properly. Organizations must pay a levy if they have not met the ratio of employment of persons with disabilities. The organs can acquire certain rewards if they exceed the ratio.

### **4.5 Employment Promotion Measures**

#### **4.5.1 Employment Services**

##### *4.5.1.1 Mainstream employment services opportunities for people with disabilities*

According to related laws regarding labour and employment, persons with disabilities can receive employment services in mainstream employment-service systems. There are no official statistics on the proportion of persons with disabilities who use the mainstream systems to find jobs. However, most public employment-service institutions have not made preparations for offering the special services for persons with disabilities as they have gaps in resources and professional

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<sup>41</sup> Report on the Application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) to the ILO, 1 June 1993 to 31 May 1999 Response to Article 2

<sup>42</sup> Report on the Application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) to the ILO, 1 June 1993 to 31 May 1999 Response to Article 5

knowledge. This situation has prevented the development of employment services for persons with disabilities in the mainstream system. In order to solve the problem, they carried out transmission services for persons with disabilities. When the persons with disabilities come to seek the services, the public employment institutions can refer the persons with disabilities to the special employment-service institutions under the CDPF to meet their special needs.

#### *4.5.1.2 Special employment and employment support services for people with disabilities*

In addition to the above, persons with disabilities in China can receive professional and special employment services from employment-service centers for persons with disabilities under the supervision of the CDPF system. These kinds of service centers are the special departments for the employment of persons with disabilities. These centers are the composite of national employment-service systems and receive technical guidance from labour departments.

Under the CDPF system, a network of employment services have been developed and provide comprehensive services regarding vocational assessment, vocational training, vocational counselling, vocational referral and other services in employment. Further, this system has close relations with the network of employment services under the Ministry of Labour and Social Security, the vocational education and training system under the Ministry of Education, and the social welfare system under the Ministry of Civil Affairs. Now the network has played the implementing role of policy and the implementation of the work programme regarding employment and training.

Under the CDPF system, comprehensive facilities have been set up with the functions of rehabilitation, education, employment-service and cultural activities. By the end of 2001, 1,050 comprehensive service facilities for persons with disabilities had been set up, 300 are under construction and 489 are in the planning stages. Among these institutions, there are 40 facilities at provincial level, which cover 169,000 square meters, constructed 199,000 square meters, and with investments of 420 million yuan. At prefecture and city level, there are 331 administrative units, 164 (about 49.2 per cent of these comprehensive service facilities for persons with disabilities cover 394,000 square meters, constructed 466,000 square meters, and invested 0.59 billion yuan. At county level, 846 comprehensive facilities (about total 29.6per cent) for persons with disabilities had been set up, which covered 80,1000 square meters, constructed 780,000 square meters, and invested 0.81 billion yuan.<sup>43</sup>

During the Ninth Five-Year Plan period (1995-2000), the development of institutions providing services for the employment of the disabled was taken as an important action. During that period, 3,012 employment-service institutions for the employment of the persons with disabilities were set up. Among these, 1,432 were formed at the prefecture and city level, and 1,550 were at the county level. The total staff workers in these institutions numbered 9,922 persons (including 2,796 who are engaged on a contractual basis). By the end of 2000, 2,991 employment-service institutions had been established, including 1,464 at prefecture, city and district levels and 1,497 at county level. There are 24,173 staff workers in the institutions, including 6,971 who are engaged on a contractual basis. This means a network of employment services for persons with disabilities has basically taken shape. The persons with disabilities attended the services and many of them got jobs and acquired vocational skills. There is no available information on the national statistics of attendees and outcomes of the services.

Since their establishment, the institutions at various levels have conducted surveys of employment of the persons with disabilities in urban areas; surveys of social employer units which employed the persons with disabilities; unemployment and employment registration, vocational training and

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<sup>43</sup> China Statistical Yearbook of Undertaking of Persons with Disabilities, 2002.

recommendation; and implementation of various work of quota system, and collection and management of employment security funds. After years of efforts, a model of standardized employment services for the persons with disabilities has been established.

The functions of employment-service centers include investigation of labour resources and employment situation, registration of disabled jobseekers, vocational assessment, registration of unemployment, vocational guidance, vocational training, vocational referral, implement of quota scheme, management of employment security fund, establishment of welfare enterprises, assistance to self-employed disabled, providing services for the persons with disabilities involving in the agricultural labour in rural areas.

The special employment services included the service both on open and sheltered employment. The national statistics on attendees and outcomes are not available.

#### *4.5.1.3 Mainstream support for self-employment and income generation for people with disabilities*

The Ministry of Labour and Social Security, State Bureau of Administration of Industry and Commerce, State General Bureau of Taxation, and CDPF established preferential policies regarding self-employment and income generation for persons with disabilities. The mainstream support included services such as business planning, business development training, access to credit, and others. All the mainstream support for disabled persons was carried out at local levels. The business development training is the main form of service. The persons with disabilities can enjoy all the support and benefits provided by the Government and related administrative departments.

#### *4.5.1.4 Self-employment and income-generation support services for people with disabilities*

The employment-service centers for persons with disabilities at all levels under the supervision of CDPF support the employment of persons with disabilities in the style of self-employment and voluntary organization employment to help them to select employment project and apply for business licenses. The social security will cover all persons with disabilities in self-employment and voluntary organization employment. By the end of 2001, the 133,000 persons with disabilities participated the self-employment and voluntary organization employment. The persons in self-employment can apply for financial supports from the CDPF and the local organs can offer financial support using the employment security fund.



**5. OUTCOMES AND IMPACT**

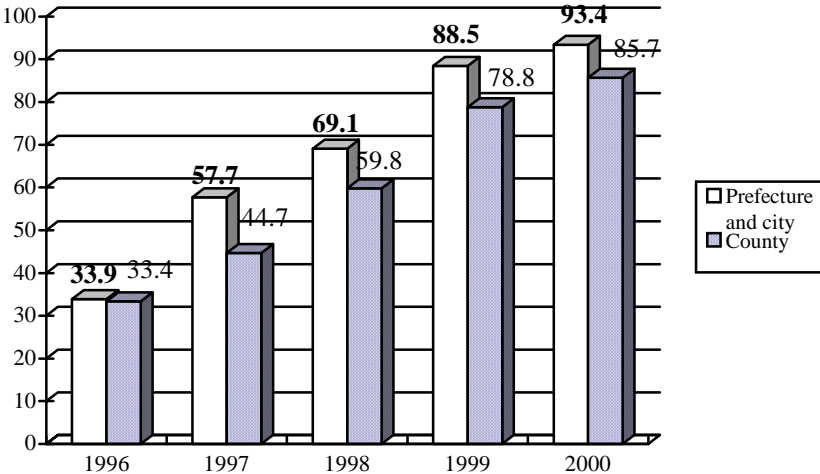
**5.1 Open employment opportunities for people with disabilities**

With the economic development and improvement of social environment, persons with disabilities have expanded employment opportunities in open labour markets. The main measures to promote open employment include: the quota scheme, tax incentives and authentication of qualification of enterprises, selective job placement, and other special assistance to the employers and employees with disabilities such as preferential policies and administrative measures.

**5.1.1 The quota scheme for the employment of persons with disabilities employment security fund**

Persons with disabilities enter the open labour market to find and retain employment and get promotions in their position with the assistance of the quota system. The implementation rate of the quota scheme determines the development of employment in open labour market for the persons with disabilities. From the 1996 to 2000, the implementing rate of the quota scheme in China increased greatly at prefecture, city and county levels (See figure 1).<sup>44</sup> By the end of the year 2000, the quota scheme had been implemented in 2,083 counties (districts) of 700 prefectures and cities throughout the 30 provinces, autonomous regions and municipalities, a coverage of 95 and 88 per cent respectively.<sup>45</sup>

**Figure 1. Percentage of implementation of quota scheme at prefecture, city and county levels from 1996 to 2000**



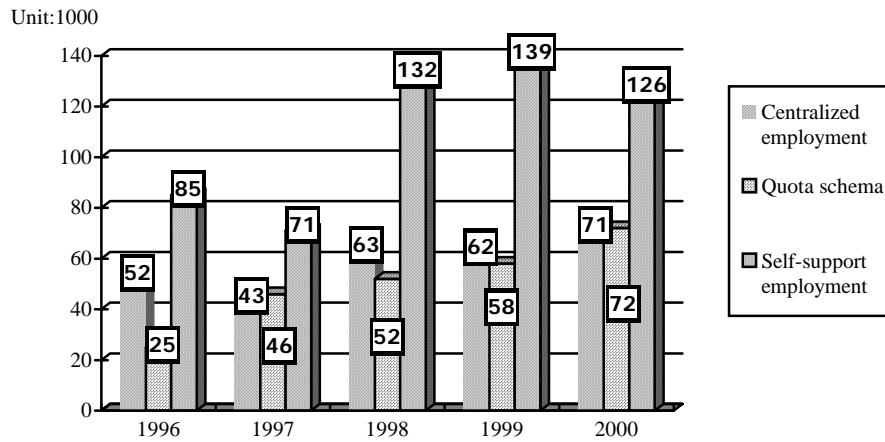
The employment structure for the persons with disabilities had been developed in the main styles of employment, i.e. centralized employment, quota scheme, and self-support employment. The numbers of persons with disabilities had increased in the three employment systems from 1996 to 2000 (See figure 2).<sup>46</sup>

<sup>44</sup> Source: China statistics of Disabled undertaking from 1996-2000, CDPF, 2001.

<sup>45</sup> Ibid.

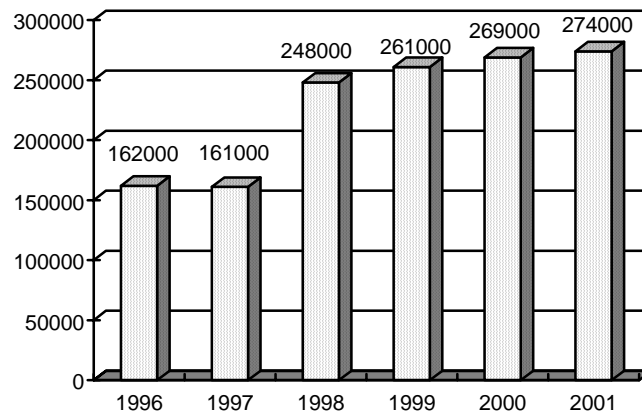
<sup>46</sup> Ibid.

**Figure 2. Employment development of persons with disabilities from 1996 to 2000 in categories**



The employment numbers of persons with disabilities in urban areas increased progressively. (See figure 3).

**Figure 3. Employment development of persons with disabilities in urban areas from 1996 to 2001**



In 2001, 274,000 persons with disabilities were employed in urban areas, including 66,000 persons with disabilities employed through the quota scheme, 75,000 employed through the centralized employment system, 133,000 employed through self-employment or collective employment, and 15,530,000 participated in agrarian work in rural areas.<sup>47</sup>

### 5.1.2 Open employment opportunity for persons with disabilities in rural areas

The employment situations of persons with disabilities in rural areas from 1996 to 2000 are shown in the following table.<sup>48</sup>

<sup>47</sup> China Statistical Yearbook of Undertaking of Persons with Disabilities, 2002.

<sup>48</sup> Source: China statistics of Disabled undertaking from 1996-2000, CDPF, 2001.

**Table 3. Number of persons with disabilities of employment, stable employment, and unemployment in rural areas**

Items	1996	1997	1998	1999	2000
Employment	14,721,108	14,239,899	15,624,145	15,687,563	16,160,794
Stable employment	7,567,283	8,623,454	10,037,919	9,848,149	11,212,516
Unemployment	5,865,838	6,717,745	5,067,707	4,676,152	3,582,229

Furthermore, by the end of 2001, there are a total of 15,795,224 employed disabled persons in rural areas, including 1,127,387 with stable employment.<sup>49</sup>

## ***5.2 Employment opportunities for people with disabilities in protected work environments***

### **5.2.1 Protected work environment for persons with disabilities in China**

In China, the protected work environment for persons with disabilities includes welfare enterprises for disabled persons, work-rehabilitation centers, blind-massage hospitals and clinics, and other enterprises and institutions of a welfare nature. These provide special opportunities for persons with disabilities.

### **5.2.2 Welfare enterprises**

Welfare enterprises are protected work environments in which persons with disabilities can work and receive other employment services. The welfare enterprises and workers from 1996 to 2000 are shown in table 4.<sup>50</sup>

**Table 4. The enterprises, workers and annual outputs**

	1996	1997	1998	1999	2000
Enterprises	6,934	6,033	4,831	4,876	4,211
Total Workers	136,993	113,411	415,163	458,628	106,334
Disabled workers	57,029	56,298	44,265	50,541	45,852
Annual output (10,000 yuan)	858,063.43	372,628.4	480,832.3	482,671	678,903.4

Under the supervision of the Ministry of Civil Affairs, welfare enterprises were set up and have become an effective way of providing protective employment for disabled persons. Welfare enterprises are an important form of protective employment for the disabled. Governments at various levels grant preferential policies, such as reducing and waiving taxation, to encourage the development of welfare enterprises, so as to increase employment for the disabled.

Welfare enterprises should be state-owned or collective, specializing in production, manufacture, repair and services. About 50 per cent or more of the employees should be persons with disabilities. Welfare enterprises have preferential benefits including tax exemption (excluding education and construction tax), special assistance from local governments and the CDPF, personnel training and others. Employees with disabilities working in welfare enterprises can receive regular wages from the enterprises and have other benefits provided by the enterprises.

From table 4, the decreases of enterprises, disabled workers and annual output had been found. The causes can be drawn from competitive markets, low quality of production and personnel, and

<sup>49</sup> China Statistical Yearbook of Undertaking of Persons with Disabilities, 2002.

<sup>50</sup> China Civil affairs communiqué 2001, Beijing: Ministry of Civil Affairs, 2002

under-developed technology. According to the statistics in 2001 by CDPF,<sup>51</sup> there were 961,167 employed persons with disabilities in the concentrative employment system.

**5.2.3 Massage of persons with visual disabilities**

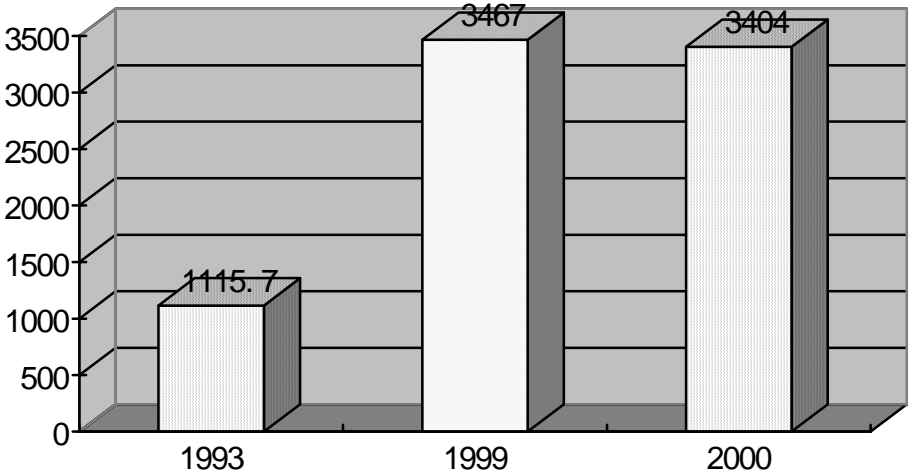
China developed a protected work environment for persons with visual disabilities and has established massage services institutions for them. In 2001, there are 1,637 medical massage institutions and more than 5,000 health care massage institutions. There are 3,700 massage workers in medical institutions and 7,500 massage workers in health care who received vocational training. Another 1,197 professionals and 3,340 professionals with visual disabilities passed the evaluations of professional qualification at intermediate and primary levels respectively.

**5.3 Self-employment opportunities for people with disabilities**

**5.3.1 The development of self-employment for persons with disabilities**

China increases employment and expands employment channels by vigorously developing the economy with diverse forms of ownership, such as collective, private and individual ownerships, and by encouraging various forms of employment including employment in private enterprise, self-employment and community welfare-type employment. The development of private enterprise and self-employment in urban areas in China from 1993 to 2000 is shown in figure 4.

**Figure 4. Total employment of persons with disabilities in private enterprise and self-employment in urban areas in China from 1993 to 2000 (Unit: 10,000 persons)**



Self-employment for persons with disabilities improved greatly and has become the main form of employment for persons with disabilities and accounts for the highest rate in the three employment channels of the quota scheme, protected employment and self-employment in China. By the end of 2001, a total of 1,447,682 persons with disabilities found their own jobs.<sup>52</sup>

Persons with disabilities can get assistance and financial support from CDPF and other related administrative departments such as the bureau of industry and commerce, bureau of taxation, and community.

<sup>51</sup> China Statistical Yearbook of Undertaking of Persons with Disabilities, 2002.

<sup>52</sup> China Statistical Yearbook of Undertaking of Persons with Disabilities, 2002.

### **5.3.2 Employment in community services**

Employment in community services (including services such as housekeeping, cooking, cleaning, and nursing service) is the main orientation of reemployment efforts, the Government has spared no pains to develop those small enterprises and employment-service enterprises that can provide more employment opportunities. The "Reemployment Assistance Action" appropriately resolves the practical difficulties that laid-off employees face after they leave reemployment-service centers and to extend prompt and effective service to guarantee their basic livelihood, reemployment and social insurance through various assistance measures. Many persons with disabilities in urban areas find jobs in community services as these kinds of work do not require high skills and have flexible form of work.

With the improvement and implementation of preferential reemployment policies by simplifying the procedures of registration with industrial and commercial administration authorities, arranging business premises, reducing or waiving taxes and fees, and granting loans, the Chinese Government helps laid-off and unemployed people set up economic entities or labour organizations to support themselves to seek reemployment or otherwise to find their own means of livelihood. The laid off persons with disabilities can also benefit from the reemployment projects. There are no official national statistics in this area.

### ***5.4 Other segregated or protected employment opportunities for people with disabilities***

In China, there are some institutions that provide occupational therapy, recreational activities and employment opportunities for persons with disabilities.

Some outpatients with psychiatric disabilities participate in occupational therapy and recreational activities in segregated environments. In other cases, some institutions provide comprehensive services in the communities for persons with disabilities including daily care, medical services, occupational activities and other services. Persons with disabilities participate in the activities and find opportunities to communicate with others. Most of them do not have wages from the activities.

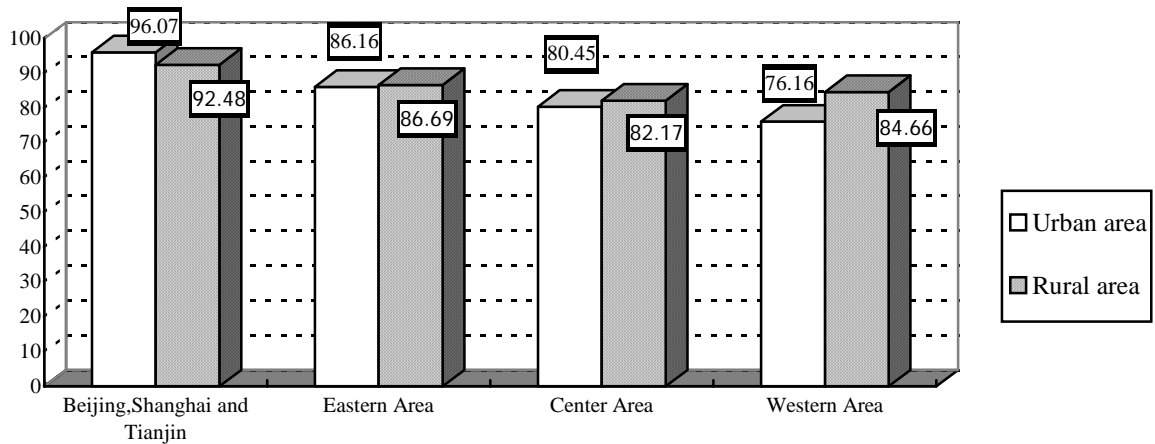
### ***5.5 Barriers and gaps***

The opportunities of employment for persons with disabilities in China were diversified according to urban and rural areas, geographical locations, developmental levels and other factors.

In open employment for persons with disabilities, the main problems are discriminatory attitudes towards persons with disabilities and unequal opportunities. Many persons have negative attitudes towards persons with disabilities and are uncertain about the capacity of work of persons with disabilities. In this way, persons with disabilities may be involved in unequal environments. These kinds of attitudes block the persons with disabilities' entrance to employment markets. Although there are many laws and regulations concerning equal rights and opportunities, persons with disabilities still face discrimination in practice without effective judicial processes. The higher the positions of employment, the greater the gap between non-disabled persons and persons with disabilities.

There are also gaps in the levels of employment for persons with disabilities between urban and rural areas, and between developed and undeveloped areas (see figure 5). Persons with disabilities in urban and developed areas had the best employment levels.

**Figure 5. Employment rate during 1996 to 2000 in urban/rural and different geographic areas**



Although there are no official statistics on employment by disability categories, we can find that persons with visual disabilities, psychiatric disabilities and mental retardation had low employment rates. There are no high-quality vocational rehabilitation programs for them. Many people consider that they have lost work ability and exclude them from employment.

Protected employment for persons with disabilities faced some competition from other institutions. With the development of the market economy, all institutions have to enter the market and to compete with others. Despite that, state and local governments invested significant capital to assist in the development of protected employment institutions for persons with disabilities, the protected environment of employment such as welfare enterprises still adjusted its margin and structures. This development limited the employment of persons with disabilities.

## 6. CONCLUDING COMMENT

China is obliged by its own Constitution to promote the employment of people with disabilities. In addition, the main legislative instrument, the Law of the People's Republic of China on the Protection of Disabled Persons 1990 contains specific provisions prohibiting employment related discrimination of people with disabilities and establishing an employment quota.

The State Council Coordination Committee on Disability plays a central role in this area liaising with the government to produce new policies and programmes and assessing their implementation in its annual report. With regard to employment, the State Council established a subcommittee, the State Council for Work Concerning Disabled Persons. Policies and programmes initiated by these two committees include implementing open employment through the quota scheme, enhancing the awareness of the employment service providers of the needs of disabled persons and their future employers; providing support and financial incentives to assist disabled persons in self employment as well as in the welfare enterprises.

The employment rate of 71.3 per cent<sup>53</sup> indicates that the legislation and implementation policies and programmes have had an impact upon the employment of people with disabilities. However, more information is required on the remaining number of people with disabilities without employment.

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<sup>53</sup> Developing an Effective Placement Service for People with Disabilities, Report of a Technical Consultation organised by ILO EASMAT in collaboration with UNESCAP and Government of Singapore, Singapore 1999. p. 52