International Labour Standards and the Employment of Disabled Persons

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Integration of People with Disabilities into Employment – Legislation and Practical Experience in European Union Countries
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Overview

- International Initiatives
- ILO Standards
- Making a Difference in Practice
International Initiatives

- Specifically concerning people with disabilities: 15 in past 30 years.

- Dealing with general population – people with disabilities mentioned: 13 since 1944

International Initiatives - Disabled Persons

- ILO Recommendation concerning Vocational Rehabilitation of the Disabled 1955
- UN Declaration on the Rights of Mentally Retarded Persons, 1971
- UN Declaration on the Rights of Disabled Persons 1975
- UN International Year of Disabled Persons 1981
- The World Programme of Action Concerning Disabled Persons, 1982
- U.N. Decade of Disabled Persons, 1983-92
- ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) 1983, (No., 159) and Recommendations 168.
- Council of Europe Coherent Policy for the Rehabilitation of Persons with Disabilities, 1992
- U.N. Standard Rules, 1993
- Salamanca Statement and Framework For Action on Special Needs Education, 1994
- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities 1999
- The African Decade of Disabled Persons, 1999 - 2009
- European Year of People with Disabilities 2003
- UN Convention on the Rights of Persons with Disabilities
International Instruments mentioning Disabled Persons

- ILO Employment (Transition from War to Peace) Recommendation No. 71 1944
- ILO Social Security Convention 1952
- European Social Charter 1961
- ILO Human Resources Development Convention (No 142) and Recommendation 150, 1975
- UN Convention on the Rights of the Child 1989
- Vienna Declaration and Programme of Action, World Conference on Human Rights 1993
- The Copenhagen Declaration and Programme of Action, World Summit for Social Development, 1995
- The Beijing Platform for Action, Fourth World Conference on Women, 1995
- EU initiatives
  - Treaty of Amsterdam 1997
  - EU Charter of Fundamental Rights 2000
  - EU Directive on Discrimination 2000
Human Rights/Non Discrimination Instruments

- no explicit mention of disabled persons

- Universal Declaration of Human Rights 1948
- European Convention on Human Rights 1950
- ILO Discrimination (Employment and Occupation) (No. 111) 1958
- U.N. Covenant on Economic, Social and Cultural Rights 1966
- U.N. Covenant on Civil and Political Rights 1966
Principles of UN Convention - Rights of Persons with Disabilities 2006

- Respect for inherent dignity, individual autonomy
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference; disability as part of human diversity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for evolving capacity of children
International Initiatives

• Promote full participation with equality of disabled persons in all aspects and sectors of society

• Promote view of disability as a form of social diversity

• Point to the need for a “society for all”

• People with disabilities as citizens, disability as a rights issue
ILO’s Primary Goal

Decent Work

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.
ILO ‘Instruments’

- Conventions
- Recommendations
- Codes of Practice
ILO Standards on Disability

- Recommendation 99, 1955
- Convention 159 - Vocational Rehabilitation and Employment (Disabled Persons) 1983
- Recommendation 168, 1983
- Code of Practice – Managing Disability in the Workplace, 2001
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
Recommendation 99, 1955

• What is recommended?
  – Vocational Rehabilitation
    • Vocational Guidance
    • Vocational Training and
    • Placement of Disabled Persons
  – Catering to all disabled persons with prospects of securing and retaining suitable employment
  – Use of general services, where possible
  – Administrative Organization
    • Coordination, cooperation
    • Staff training
    • Standards
    • Research
Recommendation 99, 1955 (2)

• Further guidance:
  – Enabling of disabled persons
    • Information
    • Financial assistance
    • Social security
  – Promoting Employment Opportunities
    • Quotas
    • Incentives to employers
  – Sheltered Employment
    • Transitional where possible
  – Special Provisions for Children, Young Persons
  – Adaptation to national circumstances
Convention No. 159, 1983

• What is required?
  - National Policy on Vocational Rehabilitation and Employment of Persons with Disabilities - principles of Equal opportunity, Equal treatment
  - Provision for Special Positive Measures – not discriminatory
  - Consultation
    • Employers’ and Workers’ Organizations
    • Organizations of/for Disabled Persons
Convention No. 159, 1983 (2)

• Action at National Level
  - Provision for vocational guidance, vocational training, employment and other related services
  - Use of existing services where possible (mainstreaming)
  - Provision for people with disabilities in rural and remote areas, as well as urban areas
  - Staff training

• What is recommended?
  • Provision for people with all types of disability
  • Mainstreaming where possible
  • Employment in line with disabled person’s choice and capabilities
  • Equal opportunity, treatment for disabled men and women
  • Special positive measures
  • Employment promotion measures in conformity with general labour standards
Recommendation No. 168, 1983. (2)

- What else is recommended?
  - Training in variety of forms
  - Community participation
  - Provision of services in rural areas, remote communities
  - Training, induction and employment conditions of all relevant staff
  - Contribution of employers’ and worker’s organizations
  - Contribution of Disabled Persons and their organizations
  - Compatibility of social security schemes with vocational rehabilitation policy
ILO Code of Practice
Management of Disability at the Workplace

- Finalized and adopted by Tripartite Meeting of Experts, Geneva, October 2001
- Unanimously adopted by ILO Governing Body November 2001
Code provides guidance on managing disability issues in

- Recruitment
- Job Retention
- Promotion
- Return to Work
Disability Management - Key Actors

- Employers’ Organisations
- Competent Authorities
- Organizations of/for People with Disabilities
- Workers’ Organisations

ENTERPRISES
Code of Practice - Objectives

- Equal opportunities in the workplace
- Improved employment prospects
- Safe, accessible and healthy workplace
- Minimal employer costs associated with disability
- Maximal contributions of workers with disabilities to the enterprise.
Disability Management at the Workplace

- Framework for Disability Management

  Preparation of Strategy
  Communication, awareness raising
  Evaluating Effectiveness
• Recruitment

- Preparation
- Interviewing, testing
- Employee Orientation
- Work Experience
- Work Trials, Supported Employment
- Progress Review
• Promotion

Career Development

Employer-sponsored training

External vocational training

Review and appraisal
• Job Retention/Return to Work

Policy measures

Assessment and Rehabilitation
• Adjustments

- Accessibility
- Adaptations
- Incentives and Support Services

• Confidentiality of Information
Underlying Principles and Convictions

● Principles
  – Equality of opportunity, equality of treatment, non-discrimination
  – Mainstreaming

● Convictions
  – Obstacles faced by disabled persons arise largely from societal barriers
  – People with disabilities represent great potential, yet to be fully unlocked
Code of Practice and other ILO standards on disability

e Framework for ILO’s programme to promote decent work for women and men with disabilities.
General ILS

- All ILS apply to persons with disabilities
- Some standards are of particular relevance
  - Discrimination in Employment and Occupation (C. No. 111)
  - Employment Promotion (C. No. 122)
  - Job Creation in Medium and Small Enterprises (R. No. 189)
  - Promotion of Cooperatives (C. 193)
  - Human Resources Development (C. No. 142, R. No. 195)
  - Employment Services (C. No. 88 and No. 181)
ILS: Making a practical difference

- Ratification
- Monitoring and reporting
- Promotion through research, publications, databases on good practice
- Advocacy – meetings, social dialogue, involvement of governments, social partners, organisations of/for disabled persons
- Technical Cooperation projects
- Partnerships