



Addressing discrimination against persons with disabilities: Key issues and strategies

Equality and non-discrimination at work in East and
South-East Asia: Guide





Learning Objectives

- Describe the concepts and international standards on equality at work for persons with disabilities
- Describe common forms of discrimination against persons with disabilities in employment and occupation
- Identify policy and practical measures to create inclusive workplaces and to promote equality of opportunity and treatment at work for persons with disabilities.





Principle

Principle of equality for persons with disabilities

- **Equal rights, opportunities and treatment** within all spheres of life and work for **all people regardless of their disability**
- **All people are free to develop their personal abilities and make choices without** the limitations set by **stereotypes, assumptions and prejudices** about a disability
- It does **not mean that all people have the same abilities** or have to be treated in the same way, **but** that the **different behaviour, aspirations and needs of people are equally considered**, valued and favoured, regardless of disability status





What is disability?

Types of disability

- **Physical:** disorders of the musculoskeletal, circulatory, respiratory and nervous systems
 - **Sensory:** restriction in hearing & vision
 - **Intellectual:** restrictions in cognitive functions & adaptive skills (e.g. learning difficulties)
 - **Psychosocial** (mental health/behavioural) impairments relating to psychiatric & mental conditions influenced by psychological & social factors (e.g. mood, personality, eating, substance-related or psychotic disorders)
 - **Non-visible or hidden disabilities:** not immediately recognizable: e.g. arthritis, cancer, epilepsy, mental health difficulties, HIV, Chronic Fatigue Syndrome & dyslexia
- ✓ **650 million people worldwide** have some type of disability (10% of the world's population). Over 470 million of them are of working age!





Standards - 1

International standards on equality for persons with disabilities

UN

- **Convention on the Rights of Persons with Disabilities & Optional Protocol (2006)**

ILO

- **Discrimination (Employment and Occupation) Convention, 1958 (No.111)**
- **ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) + Recommendation No. 168**
 - Requires Member States to adopt national policy and implement vocational rehabilitation measures
 - Promotes consultation of organizations of disabled persons





Standards - 2

Definition of discrimination in UN Convention on the Rights of Persons with Disabilities (2006)

“any distinction, exclusion or restriction on the basis of **disability** which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes **all forms of discrimination, including denial of reasonable accommodation.**”





Forms of discrimination

Disability discrimination at different stages of employment cycle

- Obstacles in access to education and training
 - Discrimination in access to employment
 - Concentration in low-skilled employment with low pay
 - High unemployment rate
 - Harassment at workplace
- ✓ **Deep-rooted stigma and inaccurate assumptions** about abilities of persons with disabilities!





Inherent requirements of the job

Absence of a disability as an inherent requirement of a job

- Inherent requirements of the job refer to abilities, skills and personal characteristics that are indispensable for the successful completion of tasks related to the job.
 - E.g. walking around is not an inherent job requirement for a cashier in a restaurant, as the main job of a cashier is to settle the bills. A person with a mobility impairment can be a cashier when provided a chair at the cash register
- Absence of a disability or health condition can be considered an inherent requirement of the job if :
 - The disability or health condition makes the applicant or employee **unable** to perform the job functions, and the work practices or environment **cannot be adjusted** to help him/her perform the job (**reasonable accommodation**).
- ✓ **Rejecting an applicant who is unable to fulfil the inherent requirements of the job is not discrimination** (Convention No. 111).





Discrimination on multiple grounds

Cumulative discrimination on multiple grounds

- Disability and gender
 - **Women with disabilities** are in greater disadvantage in private & public spheres (e.g. education, employment, health care)
 - Responsibility of assistance and care of disabled child, sibling or parent falls on women
- **Age, disability and health conditions:** disabilities and health conditions are more prevalent in older age groups
- Poverty and disability
 - 20% of the world's poorest people are disabled 82% of disabled people in developing countries below the poverty line





Approaches and definitions

Shift from charity & medical approach to a rights-based approach

Charity model

- Employment of persons with disabilities was considered a benevolent and charitable act, rather than as a valuable component of workplace productivity and efficiency.

Medical model:

- Focus is on the medical conditions and ‘fixing’ the impairment, not on optimizing the individual’s capacity to manage his/her life
- Social exclusion and inequality are not addressed

Social model (rights-based approach)

- **Focus is on removing disabling barriers** in the physical, social, cultural and economic environment to allow persons with disabilities to participate and contribute in accordance with their abilities.
- Notices that what constitutes a disadvantage is not the impairment per se, but the **stigma, discrimination and non-inclusive society**





Policy measures

Measures of Protection & Assistance:

Reasonable accommodation

- **Necessary and appropriate modification and adjustments** (Article 2, UN Disability Convention).
- For example, making facilities accessible to persons with disabilities, providing equipment or devices, adapting work content, schedule, etc.
- If accommodation causes **undue hardship** for the employer's business operations, the employer is not required to do it .

Affirmative action and quota systems

- Legislation, regulations and systems requiring employers to reserve a certain proportion of jobs for people with disabilities





Strategies

Creating inclusive workplaces

Inclusive workplaces (physical, social & cultural barriers removed)

- **Universal design:** creating a social, cultural and physical environment accessible to all people regardless of their health or disability status
- Universal or **standard precautions:** preventing occupational risks, e.g. potential spread of infections by adopting safe procedures in workplaces
- **Economic and organisational benefits** for businesses: increased overall productivity, quality & workplace cooperation, reduced worker turnover

ILO strategies for developing inclusive workplaces:

- Code of practice for managing disability in the workplace (2001)
- Accessibility
- Adaptations





Action measures in East and SE Asia

Action measures against disability discrimination in East and South-East Asia

- ✓ Remove obstacles to access for persons with disabilities to **education** and vocational training
- ✓ Fight **stereotyped assumptions** about abilities of persons with disabilities
- ✓ Eliminate discrimination in **access to jobs**, especially skilled employment
- ✓ Make practical adjustments in workplaces to make them inclusive (**reasonable accommodation**)

