

Disability and International Standards

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Topics

- Disability Facts
- Changing perspectives on disability
- International standards

Disability Facts



International
Labour
Organization

Could it be me?
You?

- 15.6% of global 6.9 billion population (WHO)
- More than 90% of children with disabilities in developing countries do not attend school (UNICEF)
- 470 million are of working age (ILO)

Why employing
someone
disabled?

80% of disabled people in developing countries live below the poverty line / in rural (WB)

What about
people's
ABILITIES?

20% of the world's poor is disabled (WB)

- If employed: low-level, low-paid jobs with poor promotional prospects and working conditions (underemployment)

Do we know
much about it?

Social exclusion of persons with disabilities from education & the workplace deprives societies of an estimated US\$ 1.37 to 1.48 in annual loss in GDP (ILO)

What
about
promoting
inclusion?

Why so
many
disabled
d poor?



People with disabilities: heterogeneous group

❖ Types/Degree of Disability:

- Physical disabilities
- Sensory disabilities
- Intellectual disabilities
(Restriction in cognitive functions and adaptive skills- Down syndrome, autism, learning difficulties)
- Psychosocial and mental health disabilities
(Psychiatric and mental conditions that are influenced by both psychological and social factors, e.g. mood, personality, eating, substance-related or psychotic disorders).

❖ Degree of Disability:

- Mild, moderate or severe
- Multiple, Single

❖ Causes of Disability:

- Birth
- Childhood/Teenage
- Adulthood
- Age
- War
- Accident
- Poverty
- Natural Disaster
- Violence

(Life Cycle – External Factors)

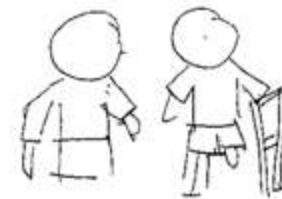
Disability Perceptions

Person



Dignity, diversity, positive,
future, identification, ability,
rights

Disabled Person

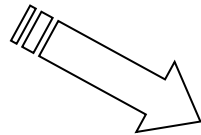
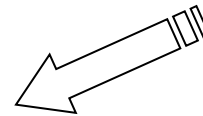


Negative, non-
identification, poverty, no
future, invisibility, the other,
fear, pity, disability, burden,
complicated, problematic,
medical....

Changing Perspectives of Disability

Moral perspective:
focus on sin, wrong-doing

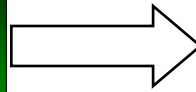
Medical perspective:
focus on individual impairment



Social perspective:
focus on social context

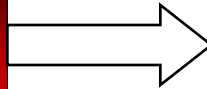
Problems Disabled Persons face

Moral perspective:



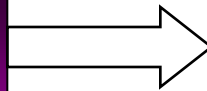
- Shame, Guilt

Medical perspective:



- Seen as
‘abnormal’, need

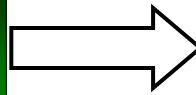
Social perspective:



- fixing
Societal Barriers

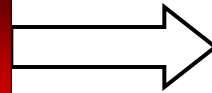
Solutions - Family and Society

Moral perspective:



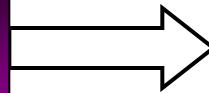
- Pray, charity, good deeds

Medical perspective:



- Individual rehabilitation, social welfare

Social perspective:

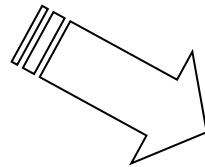
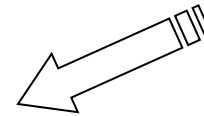


- Remove barriers;
promote rights

Shifts in Policy

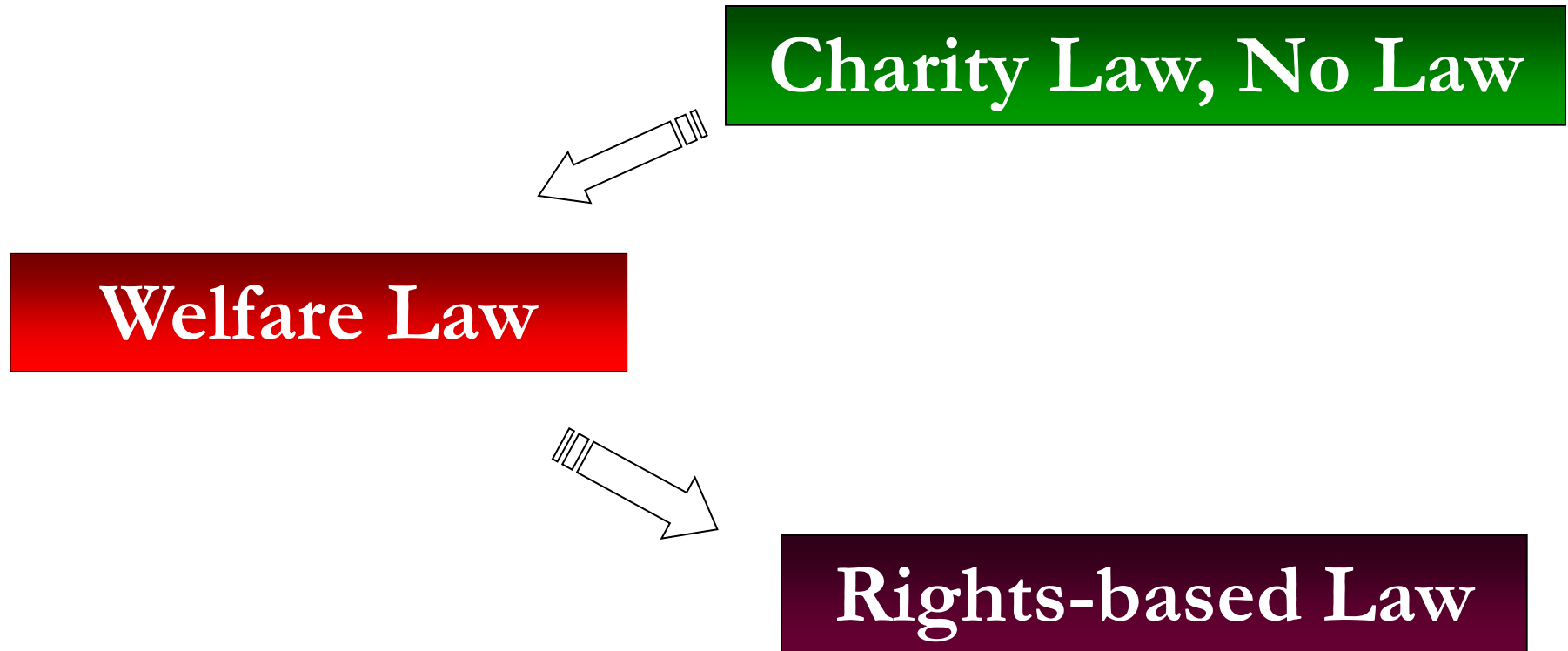
Care by Family:
keep at home, hide away

Care in Institutions:
custodial approach, 'protect' society,
separate and segregate



Community Care:
integration, inclusion

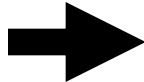
Trends in Legislation



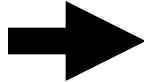
Shift in Focus

Rehabilitate Disabled Persons

Charity



Adjustment to the norm



Exclusion



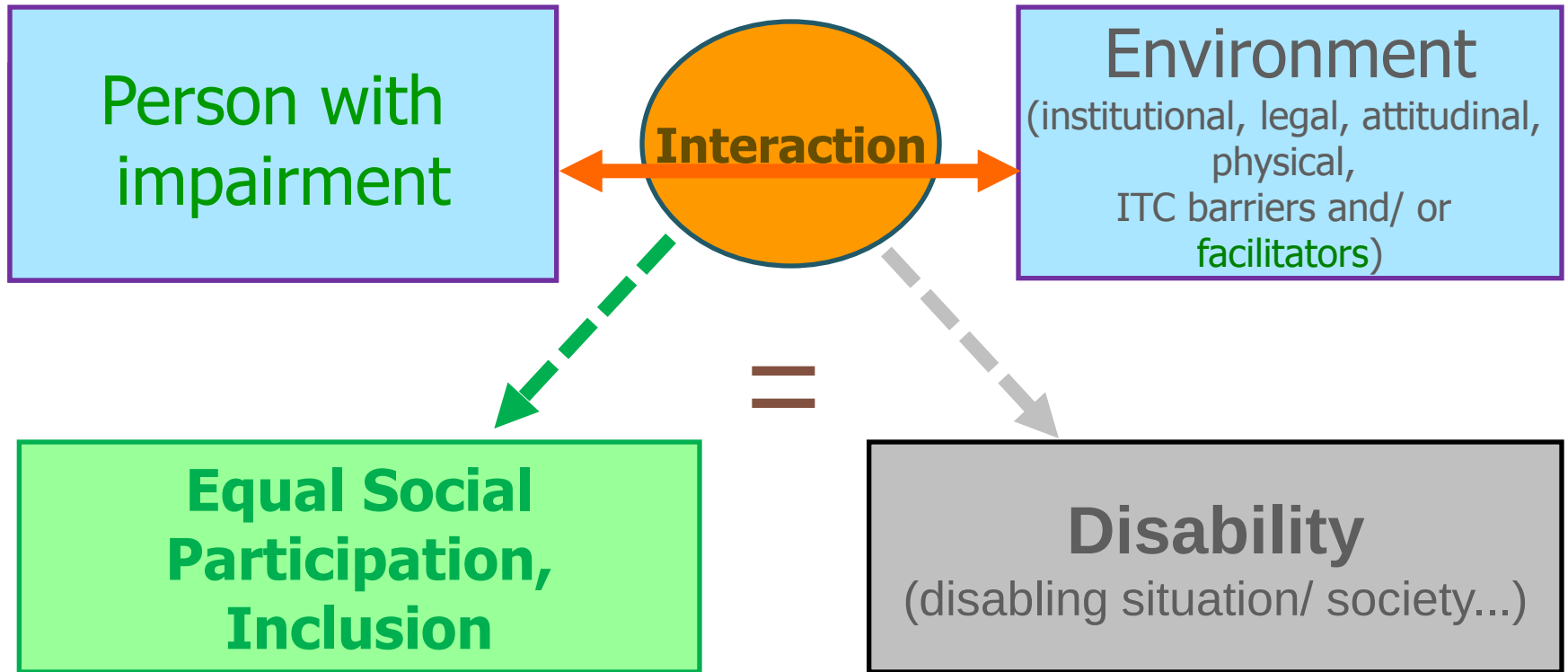
Rehabilitate Society

Rights

Acceptance of differences

Inclusion, participation and
citizenship

Social/Rights model of disability



“Disability is an evolving concept, ... Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.” (UN CRPD 2006)

United Nations Conventions on the Right of Persons with Disabilities (UNCRPD)

- Adopted by the General Assembly in December 2006
- Purpose: *promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.*
- Record number of signatures on opening day: 81
- Came into force in May 2007
- Asian region leading (Biwako framework – Asian and Pacific Decade 1993-2002, 2003-2012 – 2012-2021) however low ratification rate

Principles of UNCRPD

- 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
- Reasonable accommodation
- ADVOCACY

Accessibility

- Article 9 dealing with access of
 - Buildings
 - Information and communications
 - Public transport
 - Other public facilities and services
- Universal Design
 - Design to ensure that everything can be used by everyone, without need for adaptation or specialized design

Reasonable Accommodation

Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms (*CRPD Art. 2,5,14...*)

- Denial is considered discrimination



Article 24: Education

States Parties shall:

- *Ensure an **inclusive education system** at all levels and lifelong learning (1)*
- *Ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and living learning without discrimination and on an equal basis with others. To this ended States Parties shall ensure that **reasonable accommodation** is provided to persons with disabilities. (5)*

Article 27: Work and Employment

- *Right to work...on an equal basis with others...(in)...work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities*
- *States parties shall safeguard the ...right to work...by taking appropriate steps including legislation to...*

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*



Convention No. 159, 1983

- **Policy**

- **National Policy on Vocational Rehabilitation and Employment of Persons with Disabilities - principles of Equal opportunity, Equal treatment**
 - between regular and disabled workers
 - women and men
 - for people with all types of disabilities
- **Provision for Special Positive Measures**
 - not discriminatory
- **Based on Consultation**
 - **Employers' and Workers' Organizations**
 - **Organizations of/for Disabled Persons**



Convention No. 159, 1983 (2)

- **Action**

- 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 and research

Recommendation No. 168, 1983

- Gives further guidance, including:
 - Ways to increase employment opportunities
 - Methods of removing barriers to employment
 - Encouragement for sharing good practices and cases
 - Suggested incentives for employers
 - Alternative work structures
 - Methods of community involvement and collaboration
 - Staff training issues and skills needed
 - Ways for employers and trade unions to get more involved and contribute
 - Role of disabled persons organizations and service providers
 - How to better serve rural and remote communities



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



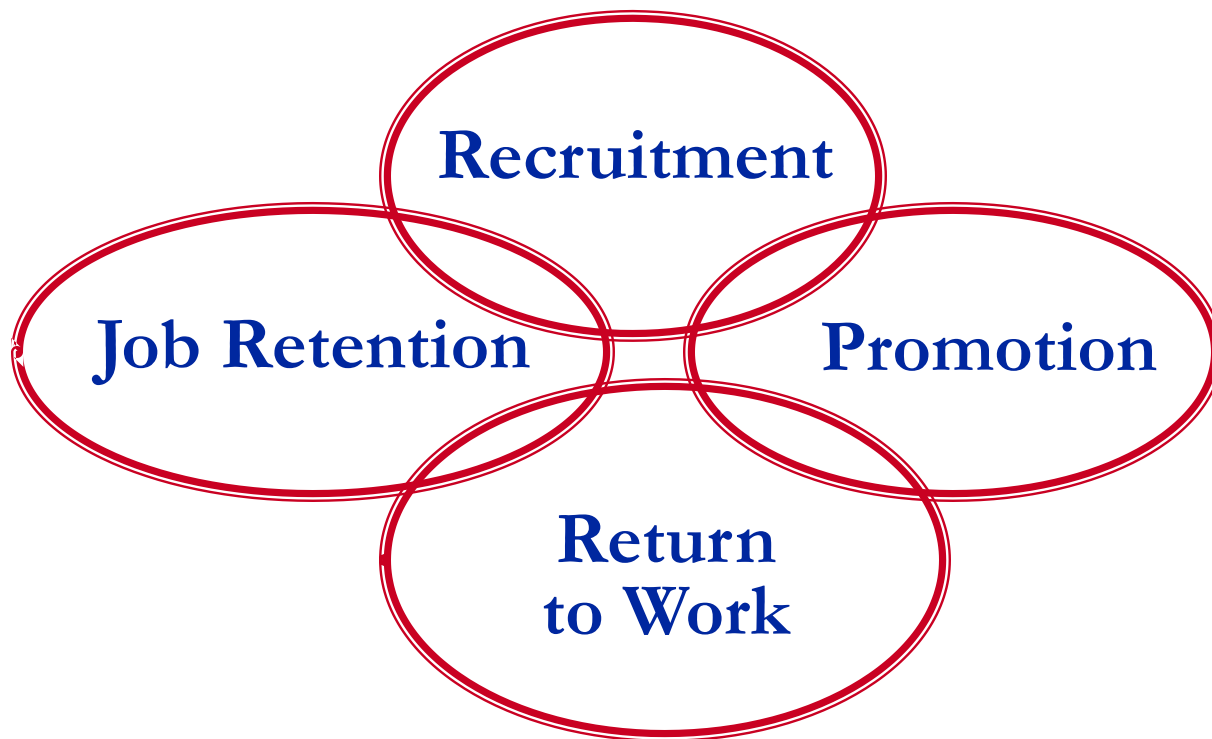
Code of Practice - Objectives

- 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 - Key Actors



Code provides guidance on managing disability issues in



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)



INCLUSION: from Vision to Reality

1. In Mainstream education, including vocational training
2. In Entrepreneurship programs
3. In Microfinance programs
4. In Local Economic Development Programs
5. In the open labour market
6. In trade unions and employers' organizations
7. In the media
8. In society
9. In other rights' movements (women, HIV)
10. In programs and training (child labour, migration, OSH, green jobs)

- ✓ Address all disability groups, women and men, rural and urban
- ✓ Tripartite consultations, plus disabled persons

