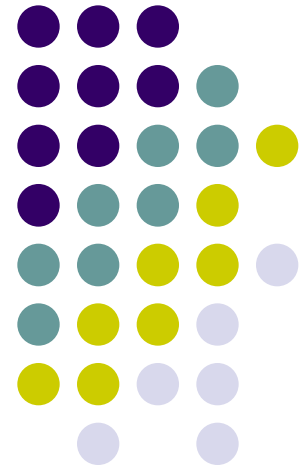
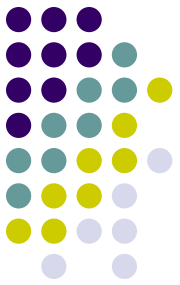




ILO perspectives on employment legislation and policies for people with disabilities



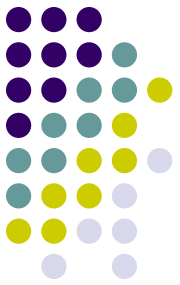


Points to be discussed

Part A: ILO and its role in disability employment

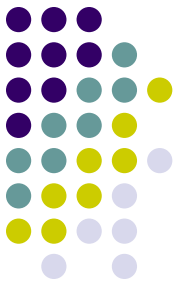
Part B: Current Trends in disability employment legislation and policy

Part C: Effective implementation of employment and training legislation at the local level



Part A: About the ILO

- Specialized UN agency dealing with the world of work
- Tripartite membership: Government, employers, trade unions
- Offices: Headquarters--Geneva; AP region--Bangkok
- Region: 27 countries; some country-level offices
- Primary goal: Promote decent work



Right to Decent Work

Productive work in conditions of

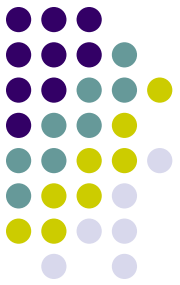
- Freedom
- Equity
- Security
- Human Dignity

For woman and men everywhere.



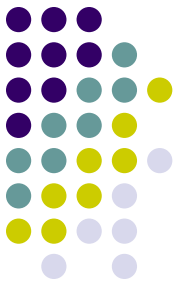
***People with disabilities have a right
to decent work***

ILO Disability Standards



- ILO Recommendation 99 Concerning Vocational Rehabilitation, 1955
- ILO Convention 159 Concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983
- ILO Recommendation 168, 1983
- ILO Code of Practice for Managing Disability in the Workplace, 2002
- Related ILO Standards---C. 111(non-discrimination) C. 142 and R.195 (human resource development)

ILO Convention No. 159 (1983)

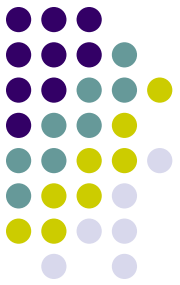


POLICY

- ↓ National vocational rehabilitation policy based on equal treatment and equal opportunity
- ↓ Input from employers, labor unions, and people with disabilities
- ↓ Equity issues
- ↓ Fosters open employment

ACTION

- ↓ Delivery and evaluation of vocational rehabilitation services
- ↓ Competent personnel and staff training



Services in both
urban and rural
areas

Serve all types of
disabled persons

***Equal Treatment
and Equal
Opportunity***

Special positive
measures okay

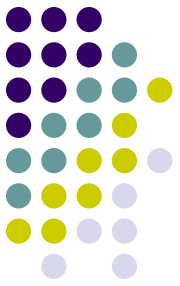
Among disabled
and other workers

Equality between
disabled
women and men

Part B: Current trends in Disability legislation and policy

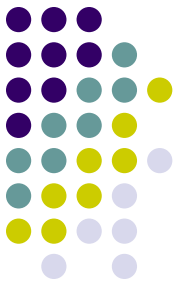


1. Rights Based Approach
2. Anti-discrimination legislation
3. All disability types
4. Mainstreaming
5. Reasonable accommodation
6. Positive Incentives or Special Measures
7. Quotas (a special measure)
8. Consultation in development, implementation and evaluation



1. Rights Based Approach

- Shift from Social Welfare approach to Human Rights
- Based on recognition that people with disabilities:
 - are citizens the same as non disabled people
 - have not had access to the same rights
 - Represent enormous potential, as yet largely untapped



Rights based cont...

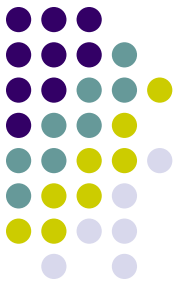
- Focuses on removing barriers to full participation faced by disabled people
- Takes a multisectoral ‘all-of-government’ approach to disability issues
- Recognises that positive incentives or special measures are required to compensate for disadvantages

2. Anti-discrimination legislation



- Unlawful to discriminate against persons with disabilities in training or employment (often deal with broader issues, such as with telecommunications, transportation, etc.)
- Employers, training institutions required to make **reasonable accommodation**

Anti Discrimination cont....



Example: Disability Discrimination Act (Australia)

Section 15 Discrimination in Employment

(1) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against a person on the ground of the other person's disability or a disability of any of that other person's associates:

Viet Nam Situation



Viet Nam has no comprehensive anti discrimination legislation for people with disabilities or measures for reasonable accommodation.

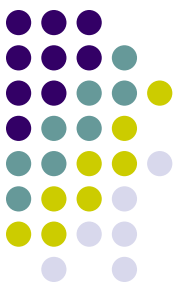
However : Ordinance of Disabled Persons:

Article 3 The State encourages and creates favourable conditions for disabled persons to exercise on an equal basis their political, economic, cultural and social rights and develop their abilities to stabilize their life, integrate themselves into the community and take part in social activities.

Article 9: It is strictly forbidden to take any act of discrimination or maltreatment against disabled persons, to abuse the body, dignity and honour of the disabled persons, misuse, entice or force them or misuse the organizations of disabled persons to carry, out acts in contravention of law.

BUT : Labour Code, Article 125: people with disabilities are not permitted to work more than 7 hours per day or 42 hours per week.

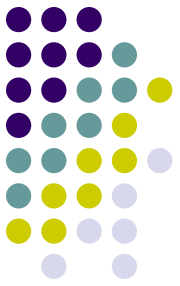
3. All types of disabilities are covered by legislation and policies



- *Type of disability:*
 - Physical
 - Sensory
 - Intellectual
 - Psychiatric
- *Severity*
 - Severe
 - Moderate
 - Mild
- *Onset:*
 - Birth
 - Childhood
 - Adulthood
- *Visibility*
 - Observable
 - Invisible

Gender makes a huge difference

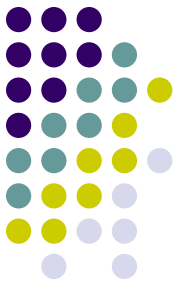
Definition of disability: Viet Nam Situation



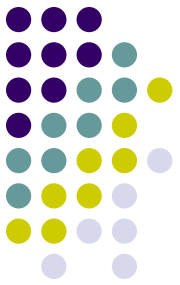
Disabled persons be definition of this Ordinance, irrespective of the causes of the disability, are defective of one or many parts of the body or functions which are shown in different forms of disability, and which reduce the capacity of activity and cause many difficulties to work, life and studies.

Ordinance on Disabled Person, Article 3.

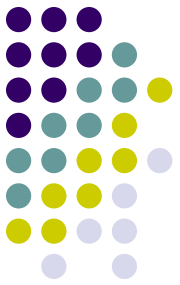
4. Mainstreaming / Inclusion



- PwD and non-disabled people work and learn together not separately
- Mainstreaming or inclusion means that people with disabilities have access to existing programmes and services along with nondisabled people and that, if necessary, **reasonable accommodation** is made to ensure that they can participate

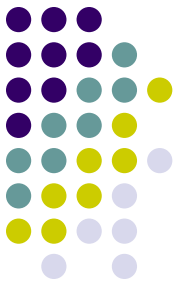


5. Reasonable Accommodation



- Adaptation of the job and adaptation of the work or training environment to provide access to the place of work or training , to facilitate the employment and training of PWD
- Accommodations are based on the needs of the individual – Each person with disability is different
- Governments define what constitutes ‘reasonable’ accommodation in the national context
- Examples: Raising a desk for someone in a wheelchair; providing extra instruction for someone with an intellectual impairment in a training setting or a job coach in a work setting

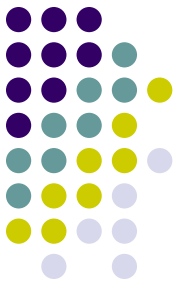
Examples of Reasonable accommodation: Referrals for assistive devices



An artificial leg (above) and a wheelchair (left) mean that these men can work and earn a living

More examples....



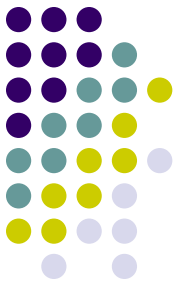


Deaf women
Special training
techniques; sells
product in family
business

6 Positive Incentives and Special Measures



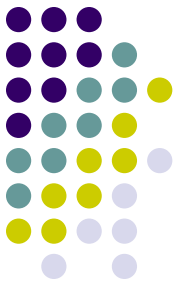
- Provisions to support disabled persons and employers in the hiring and retention of people with disabilities
- Employers
 - Tax and financial incentives
 - Technical advisory services and support
- People with disabilities
 - Special allowances (e.g., transport, training/wage subsidies)
 - Loans for equipment, business start-up
 - Advisory services for job retention or business start-up
 - Assistive devices



Positive Measures: Regional Examples

- Wage Subsidies and Trial Placement
 - E.g., Australia, Hong Kong, Korea, Cambodia
- Employer Financial Supports, Tax Incentives
 - E.g., Japan and Korea if employer exceed quota
- Human Resource and Technical Supports
 - E.g., Job coaches, disability recruitment officers in Australia
- Awards and recognition
 - E.g., Cambodia, Sri Lanka

Positive measures cont...



Promoting self-employment

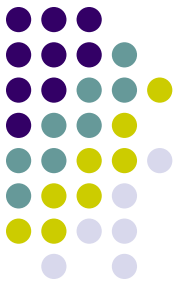
- Non-discrimination/quotas in access to training, business development, credit and poverty alleviation services (India)
- Special measures to promote equity such as loan programmes, tax breaks, import duty exemptions for disabled persons
- Preferential treatment in awarding contracts (Korea; Philippines)
- Marketing and business organizations to provide special supports for people with disabilities (Viet Nam, Thailand and Cambodia)
- Special programmes and services just for disabled persons such as SIYB for people with disabilities
- Business development services (coaching/mentoring, SIYB, Get Ahead, etc.)

Positive Measures: Situation in Viet Nam

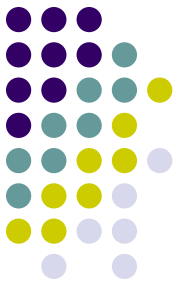


- Labour Code, etc.: Tax incentives and preferential loans for employers of people with disabilities/production workshops
- Starting Blue Ribbon panel of employers to promote hiring
- Special employment services

7. Quota Systems



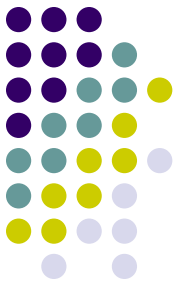
- A form of affirmative action/ special
- It is not discrimination against non-disabled workers
- Requires that a certain percentage of an employers' workforce be people with disabilities
- Most are quota-levy systems (set up rehabilitation funds)
- Effective laws require a enforcement mechanism and sanction if employers fail to comply



Viet Nam Situation

- Has a quota-levy, Article 125 of the Labour Code of 1994 (and subsequent decrees)
- Different quotas for different industries
- Only beginning to be implemented in select provinces

8. Consultation in the development of new laws



Relevant Government Ministries

Members of Parliament

Organizations of People with Disabilities

Revising or Drafting: Who should be consulted?

Workers' Organisations

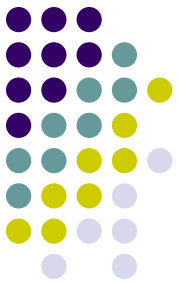
Employers' Organisations

Service Providers

General Public



Part C: Effective implementation – some questions to consider?



Who will enforce the provisions at the local level?

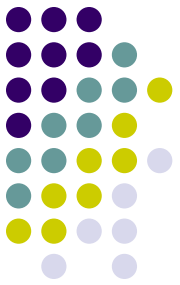
Who has the legal authority to do it? Do they have the human and financial resources needed?

Effective laws require a enforcement mechanism and sanctions if employers fail to comply

Who will monitor the implementation at the local level?

Who will the local authorities report to? How often?

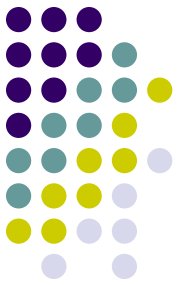
Implementation cont...



What plan is in place for evaluation?

- How will you know the action plan and legislation has been successful in your town or province?
- What are the targets you want to meet?
- Are they realistic and based on reliable data?

Implementation cont...

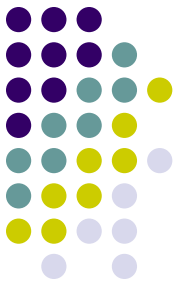


How will government and service providers be trained in the requirements of the legislation or policy?

For example: under the Disability Ordinance Section 18.1

‘The State, job training establishments, and economic organizations shall create favorable conditions for disabled persons to choose their trades, learn trades and find jobs for themselves or to work right at home in a way suitable for their health and their work’

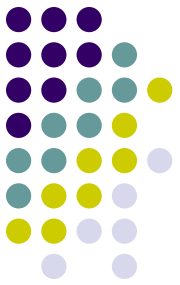
Staff at these places will need training in how to include PWD. How many people will need training? How much will it cost? Who will provide the training?.....



Implementation continued..

How will the law or policy be promoted?

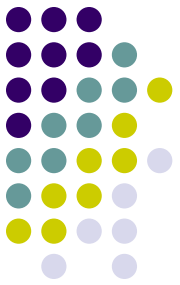
- Target campaigns at specific groups e.g employers; people with disabilities
- Involve media organisations in planning the campaign
- Promote the law, **and** the support and services that will be available for PwD, Employers, and Vocational Training Centres



Implementation cont..

- **Where will the funding for the supports, services, reasonable accommodations, hiring incentives etc come from?**

How much money is needed? Do you have reliable data for budgeting e.g how many PWD will need assistance? What type of assistance will PWD, employers, vocational training centres need?

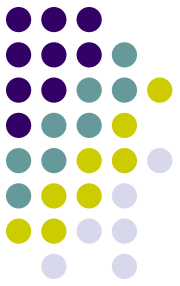


Implementation cont...

- **How will PWD be consulted in the development, implementation and evaluation of laws and policies?**

NAP states the aim to *‘strengthen the participation of people, especially people with disabilities and their families’*

UN convention on rights of PWD *‘Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process’.*



GOOD LUCK AND HAPPY
PLANNING!